

ORDINANCE 2008 -037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS; CHAPTER E - PRIOR APPROVALS; CHAPTER F - NON-CONFORMITIES; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS & ZONING DISTRICTS; CHAPTER B - OVERLAYS; CHAPTER C - STANDARDS DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4** - USE REGULATIONS; CHAPTER A - USE CLASSIFICATIONS; CHAPTER B - SUPPLEMENTARY USE STANDARDS; CHAPTER D - EXCAVATION; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER B - ACCESSORY AND TEMPORARY USES; CHAPTER C - DESIGN STANDARDS; CHAPTER D - PARKS & RECREATION - RULES AND RECREATION STANDARDS; CHAPTER E - PERFORMANCE STANDARDS; CHAPTER G - DENSITY BONUS PROGRAM; CHAPTER H - MASS TRANSIT STANDARDS; **ARTICLE 6** - PARKING; CHAPTER A - PARKING; CHAPTER B - LOADING STANDARDS; **ARTICLE 7** - LANDSCAPING; CHAPTER E - INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION; **ARTICLE 8** - SIGNAGE; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; **ARTICLE 9** - ARCHAEOLOGICAL AND HISTORIC PRESERVATION; CHAPTER A - ARCHAEOLOGICAL RESOURCES PROTECTION; CHAPTER B - HISTORIC PRESERVATION PROCEDURES; **ARTICLE 14** - ENVIRONMENTAL STANDARDS; CHAPTER C - VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 17** - DECISION MAKING BODIES; CHAPTER D - STAFF OFFICIALS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

1 **WHEREAS**, the BCC has conducted public hearings to consider these amendments
2 to the ULDC in a manner consistent with the requirements set forth in Section 125.66,
3 Florida Statutes.

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5 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
6 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

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8 **Section 1. Adoption**

9 The amendments set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q,
10 and R attached hereto and made a part hereof, are hereby adopted.

11 **Section 2. Interpretation of Captions**

12 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
13 Ordinance are intended for the convenience of usage only and have no effect on
14 interpretation.

15 **Section 3. Providing for Repeal of Laws in Conflict**

16 All local laws and ordinances in conflict with any provisions of this Ordinance are
17 hereby repealed to the extent of such conflict.

18 **Section 4. Severability**

19 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any
20 other item contained in this Ordinance is for any reason held by the Court to be
21 unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the
22 remainder of this Ordinance.

23 **Section 5. Providing for a Savings Clause**

24 All development orders, permits, enforcement orders, ongoing enforcement actions,
25 and all other actions of the Board of County Commissioners, the Zoning Commission,
26 the Development Review Officer, Enforcement Boards, all other County decision-
27 making and advisory boards, Special Masters, Hearing Officers, and all other County
28 officials, issued pursuant to the regulations and procedures established prior to the
29 effective date of this Ordinance shall remain in full force and effect.

30 **Section 6. Inclusion in the Unified Land Development Code**

1 The provisions of this Ordinance shall be codified in the Unified Land Development
2 Code and may be reorganized, renumbered or relettered to effectuate the codification of
3 this Ordinance.

4 **Section 7. Providing for an Effective Date**

5 The provisions of this Ordinance shall become effective upon filing with the
6 Department of State.

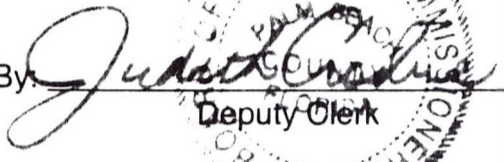
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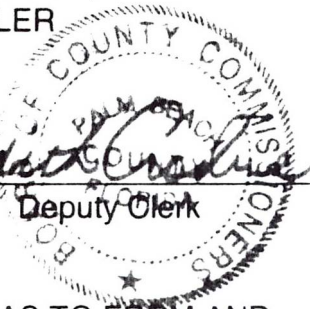
8 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm

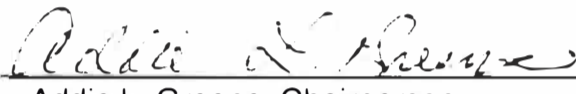
9 Beach County, Florida, on this the 28th day of August, 2008.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Deputy Clerk



By: 
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

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EFFECTIVE DATE listed in Exhibits A thru C (excepting Part 11), and D thru K,
and M thru R: Filed with the Department of State on the 4th day of
September, 2008.

EFFECTIVE DATE for Exhibit C, Part 11 and Exhibit L: Effective Date of
Amendments to the Palm Beach County Comprehensive Plan Amendment Round
2008-01, as related to platting of AGR Preserve Areas and Animal Shelters.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 05/29/08)

Part 1. ULDC, Art. 1.E.1.C.2, Structural Renovations and Additions (page 15 of 107), is hereby amended as follows:

CHAPTER E PRIOR APPROVALS

Section 1 General

A development order approved prior to the effective date of this Code shall continue to be valid until superseded by amendment, expiration, revocation, or abandonment.

C. Previous Approvals

2. Structural Renovations and Additions

a. Non-Government Facilities

Interior or exterior renovations or additions to existing buildings and structures that are in excess of 35 percent of the current Property Appraiser's value of the structure shall comply with Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.1, Building Mounted Signs, to the greatest extent possible. Renovations or additions in excess of 75 percent or more of the current assessed value of the structure shall comply with Art. 5.C, Design Standards, and Art. 5.B.1.A.18, Permanent Generators. Renovations shall be cumulative over the most recent five-year period. **[Ord. 2005-041]**
[Ord. 2007-013]

b. Government Facilities

Exterior renovations or additions to existing buildings and structures that are in excess of 100 percent of the current Property Appraiser's value of the structure shall comply with Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.1, Building Mounted Signs, to the greatest extent possible, and with Art. 5.C, Design Standards, and Art. 5.B.1.A.18, Permanent Generators, if applicable. Renovations shall be cumulative over the most recent five-year period.

Part 2. ULDC, Art. 1.F.2.E, Maintenance (page 17 of 107), is hereby amended as follows:

CHAPTER F NON-CONFORMITIES

Section 2 Non-conforming Use

E. Maintenance

Repairs necessary to maintain and correct any damage or deterioration to the structural soundness or interior appearance of the building or structure without expanding or altering the building or structure may be completed in accordance with the following:

1. Major

Maintenance of a conforming structure containing a major nonconforming use may be performed in any 12 consecutive months not to exceed 20 percent of the current assessed value of the structure for non-government facilities and not to exceed 30 percent for government facilities.

2. Minor

Maintenance of a conforming structure containing a minor nonconforming use may be performed in any 12 consecutive months not to exceed 30 percent of the current assessed value of the structure for non-government facilities and not to exceed 45 percent for government facilities.

Part 3. ULDC, Art. 1.F.3, Nonconforming Structure (page 18 of 107), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 3 Nonconforming Structure

A nonconforming structure may continue to exist in accordance with this Section. Public utility facilities with nonconforming structures on existing utility sites shall be exempt from the maintenance, renovation and repair limitations in this section. The maximum percent allowed within a 12 consecutive month period may include one or a combination of maintenance, renovation, or damage restoration to a nonconforming structure but shall not mean one of each term. **[Ord. 2007-013]**

The value of a nonconforming structure shall be determined by taking 125 percent of the most recent assessed value of the structure for non-government facilities, and an additional 60 percent of the most recent assessed value of the structure for government facilities, as determined by the PBC Property Appraiser. This Section shall apply to the cumulative changes in total value as a nonconforming structure

Notes:

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 05/29/08)

is renovated and repaired over the previous seven years. In determining the value of an improvement necessary to reconstruct a damaged structure, the "aggregate cost approach" as outlined in the most current building valuation data in Southern Building" published by the Southern Building Code Congress International or other comparable guidelines adopted in law or accepted in practice by the Building Director, shall be used as the sole basis for calculation.

Part 4. ULDC, Art. 1.1.2.A, Definitions (page 26 and 27 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

7. Accent Lighting – For the purposes of Article 5.E.4.E, Lighting shall mean lighting used to accent a sculpture, trellis, waterfalls, statue, foot bridge, rock outcrop, fountain or other similar feature and landscaping.

[Renumber accordingly]

21. Adjacent Parcel of Land - A parcel of land that has all or part of a boundary in common with another parcel, including point to point, or is separated from such parcel by a street, easement, R-O-W, waterway, park or other minor geographical division.

[Renumber accordingly]

Part 5. ULDC, Art. 1.1.2.D, Definitions (page 45 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

D. Terms defined herein or referenced in this Article shall have the following meanings:

4. ~~Day~~ - Calendar day unless otherwise stated.

[Renumber accordingly]

Part 6. ULDC, Art. 1.1.2.L, Definitions (page 63 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

L. Terms defined herein or referenced in this Article shall have the following meanings:

46. Loading Area – For the purposes of Art. 6, an area consisting of two or more loading spaces.

47. Loading Bay – For the purposes of Art. 6, a portion of a structure where deliveries are loaded and unloaded.

48. Loading Dock – For the purposes of Art. 6, a platform where trucks can be loaded or unloaded.

[Renumber accordingly]

Part 7. ULDC, Art. 1.1.2.M, Definitions (pages 65 and 66 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

M. Terms defined herein or referenced in this Article shall have the following meanings:

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 05/29/08)

7. Maneuvering Area – For the purposes of Art. 6, an area of sufficient size to allow adequate turning motions for a vehicle to ingress/egress a loading area or loading bay.

....
29. Mechanical Equipment – For the purposes of Art. 5, equipment and accessories, that relate to water supply, drainage, heating, ventilating, electrical, air conditioning and similar purposes.

....
[Renumber accordingly]

Part 8. ULDC, Art. 1.1.2.N, Definitions (page 68 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

N. Terms defined herein or referenced in this Article shall have the following meaning:

1. Nadir – For the purposes of Art. 5.E.4.E, Outdoor Lighting nadir shall mean the lowest point on its sphere when measuring a foot candle.

....
[Renumber accordingly]

Part 9. ULDC, Art. 1.1.2.P, Definitions (page 75 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

P. Terms defined herein or referenced in this Article shall have the following meaning:

....
65. Preliminary Assessment Letter (PAL) – For the purposes of Art. 4.D, a letter from Department of Environmental Protection, Bureau of Mining and Minerals Regulations in response to a pre-application meeting conducted in accordance with Article 4.E.

....
[Renumber accordingly]

Part 10. ULDC, Art. 1.1.2.S, Definitions (pages 87 and 90 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

S. Terms defined herein or referenced in this Article shall have the following meaning:

....
53. SingleTenant – For the purposes of Art. 6.B.1, Loading, single tenant shall mean a structure or tenant space less than 10,000 square feet.

....
104. Street Layout Plan – For the purposes of Art. 3.E.2, Planned Unit Development (PUD), this plan shall provide a method to calculate cul-de-sacs in a PUD. The plan shall show the general layout of all streets and clearly identify the streets that are to be included when calculating the cul-de-sacs.

....
[Renumber accordingly]

Part 11. ULDC, Art. 1.1.3, Abbreviations and Acronyms (Page 103 and 105 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

Notes:

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 05/29/08)

-
ACOE Army Core of Engineers
-
DEP Department of Environmental Protection
-
PAL Preliminary Assessment Letter
-
TDS Total Dissolved Solids
-
URA Urban Redevelopment Area
-

Notes:
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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 06/30/08)

Part 1. ULDC, Art. 2.E.2.D.8.b.4, Decision of the BCC or ZC for Failure to Comply with the Following [Related to Resolution Imposing a Limit on Development Orders] (page 39 of 52), is hereby amended as follows:

CHAPTER E MONITORING

Section 2 Procedures

D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval

8. Decision of the BCC or ZC for Failure to Comply with the Following:

Time requirements to commence development, utilize a conditional or requested use or record a plat; or Non-performance security conditions (required by Article 12.C.2, Conditions). **[Ord. 2005-002] [Ord. 2007-001]**

b. After deliberation, the BCC or ZC shall take one or more of the following actions:

~~4) Adopt a resolution which will impose a limit such that no development order shall be issued permitting construction which exceeds entitlement density or entitlement intensity as established by the FLU Atlas of the Plan;~~

5.1) Adopt a resolution, which will impose additional or modified conditions, voluntary commitments, or permit the property owner to initiate a petition to add or modify conditions or voluntary commitments, as directed by the BCC or ZC. New or modified conditions or voluntary commitments, shall include bringing the development into conformity with current Codes and regulations;

[Renumber accordingly]

Part 2. ULDC, Table 2.E.3.B, Time Limitation of Development Order for Each Phase. (pages 41 and 42 of 52), is hereby amended as follows:

CHAPTER E MONITORING

Section 3 Supplementary Regulations for Classes of Development Orders

B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a Required Action

Notes:

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 06/30/08)

Table 2.E.3.B - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER		MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
REZONING – RESIDENTIAL-NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD) (Including any associated variance(s))		2	Record plat or affidavit of plat waiver or commence development ¹	Three years ^{2,7}	Twelve months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
PDD: PUD; TDD: TRADITIONAL NEIGHBORHOOD DEV. (TND) (Including any associated variance(s))		no maximum	Record plat ^{6,8}	Three years ^{2,7}	Twelve Months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER WHICH IS SUBJECT TO THE REQUIREMENTS OF Art. 2.E (THOSE LISTED ABOVE):	SITE PLAN	2	Commence development ¹	Four years ^{3,7}	No extensions permitted	Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan.
	FINAL SUB-DIVISION PLAN: NON-RESIDENTIAL	2	Commence development ¹	Four years ^{3,7}		
	FINAL SUB-DIVISION PLAN: RESIDENTIAL	no maximum	Record plat	three years ^{3,7}	<u>Twelve months⁹</u>	
	NON CONCURRENT VARIANCES	N/A	Commence Development	One Year	24 months	Variance becomes null & void if applicable
Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003]						
Notes:						
No traffic study shall be required if the existing development order has a project buildout date condition for a date later than the twelve month administrative time extension.						

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS

(Updated 05/28/08)

Part 1. ULDC, Art. 3.B.3.D. COZ, Conditional Overlay Zone (page 18 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 3 COZ, Conditional Overlay Zone

A. Purpose and Intent

A COZ district is to modify or restrict the use and site development ~~standards~~ regulations authorized in the underlying standard zoning district to prevent, minimize or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable ~~standards~~ regulations are inadequate to protect the surrounding land uses. Requirements of the COZ are in addition to and supplement other applicable requirements of this Code.

B. Boundaries

The boundary of the COZ is applied to the property considered for rezoning.

BC. Applicability

The provisions of the COZ ~~district~~ shall apply to lands in unincorporated PBC pursuant to BCC approval. In application of the COZ ~~District~~, the BCC shall find that the proposed rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district:

1. potential impact to surrounding land uses requires mitigation;
2. compatibility will be furthered between the requested zoning district and adjacent zones if uses and property development regulations (PDRs) are modified; and/or
3. intensity limits reflect available capacity of public facilities.

CD. District Regulations

Restrictions which may be imposed in the COZ district include limitations on uses, size, height, bulk, mass, scale and location of improvements, standards for landscaping, buffering, lighting, adequate ingress and egress, on-site or off-site improvements; hours of operation; and any other specific site development regulations required or authorized by this Code.

DE. Procedure COZ

1. Process

During the Zoning review process, the property owner or agent of the property being considered for rezoning shall either: (1)

- apply for a COZ overlay and the restrictions imposed by the overlay; or (2)
- voluntarily agree to a COZ overlay recommended by staff during the zoning process for the property being considered for rezoning. The resolution rezoning the property as a COZ district shall specifically state the modifications imposed pursuant to this Section. The restrictions shall be considered a part of text of this Code, and a violation of these restrictions shall be a violation of this Code.

2. Authority

The COZ authorizes specific development restrictions, including but not limited to, traffic performance standards; use limitations, etc. to proactively address potential incompatibilities with the adjacent properties. The BCC may impose conditions of approval to address these restrictions.

23. Exception

In the case when a rezoning is requested or required to maintain consistency with the Comprehensive Plan or any conditions to a site specific Plan amendment initiated by the Planning Division, consent of the property owner(s) or agreement with the COZ shall not be required.

Part 2. ULDC, Art. 3.B.10.F.1.a, PBAIO, Palm Beach International Airport Overlay [Related to Lot Size] (page 27 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 10 PBAIO, Palm Beach International Airport Overlay

F. Property Development Regulations (PDRs)

Applications shall comply with the PDRs of the underlying districts except as follows:

1. Lot Dimensions, Yard Setbacks and Building Height

Setbacks and lot dimensions for commercial and industrial development shall comply with the PDRs in Art. 3.D, Property Development Regulations, unless modified herein. [Ord. 2004-051]

a. Lot Size

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS (Updated 05/28/08)

The minimum lot size shall be one acre unless a legal lot of record pursuant to Article 1.F.4, Nonconforming Lot. [Ord. 2004-051]

Part 3. ULDC, Art. 3.D.2.A.5, Replacement of Similar Structure (page 59 of 148), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

A. Townhouse

The minimum lot dimensions, maximum height, maximum FAR, maximum building coverage, and minimum setbacks and separations for townhouses in all districts where they are permitted shall be as follows:

5. Replacement of Similar Structure

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event a townhouse unit developed pursuant to this Section is replaced or expanded, destroyed or removed by or for any cause, the unit, if replaced, shall be replaced with a unit of at least similar size and type, that does not exceed the dimensions of the prior unit the following shall apply:

a. Process

1) Building Permit Review

An application for building permit shall be consistent with typical unit detail approved on the DRO site plan or the original building permit. If no typical unit detail is included then staff will rely on the tabular data for setbacks/separations and height.

2) DRO Zoning Review

An application for DRO Zoning Review shall be required to reflect proposed changes to a DRO approved site plan, typical unit shall include tabular data, setbacks/separations and height.

a) Standards for Review

(1) Setbacks/separations may be decreased a maximum of 30 percent of the required minimum standard provided the development was not approved utilizing flexible regulations or received prior variance relief.

(2) A 30 percent increase in the maximum allowable height may be permitted.

(3) Demonstrate compliance with all applicable parking, landscaping and drainage provisions.

(4) Comply with all applicable application requirements.

(5) Submit a letter of support from the applicable community HOA POA.

(6) Comply with any DRO approved architectural elevations or accepted revision consistent with Code.

Any purposed deviation that exceeds the above standards will require variance relief pursuant to Article 2.D.3.

Part 4. ULDC, Art. 3.D.2.C, Zero Lot Line (ZLL) (page 61 of 148), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

C. Zero Lot Line Design Standards

4. Replacement

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event that any a home built under this Section is replaced or expanded destroyed or removed by or for any cause, the following shall apply: the unit, if replaced, shall be replaced with a unit of similar size and type meeting the minimum requirements of this Section. The developer shall include the appropriate deed restrictions and/or covenants so as to require replacement as outlined above developed pursuant to this Section the unit, if replaced, shall be replaced with a unit of at least similar size and type, that does not exceed the dimensions of the prior unit

a. Process

Notes:

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ARTICLE 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS

(Updated 05/28/08)

1 1) **Building Permit Review**

2 An application for building permit shall be consistent with typical unit detail approved
3 on the DRO site plan or the original building permit. If no typical unit detail is included
4 then staff will rely on the tabular data for setbacks/separations and height.

5 2) **DRO Zoning Review**

6 An application for DRO Zoning Review shall be required to reflect proposed changes
7 to a DRO approved site plan typical unit detail including: tabular data,
8 setbacks/separations and height.

9 a) **Standards for Review**

10 Setbacks/separations may be decreased a maximum of 30 percent of the required
11 minimum standard (provided the development was not approved utilizing flexible
12 regulations or received prior variance relief). A 30 percent increase in the
13 maximum allowable height may be permitted.

14 (1) Demonstrate compliance with all applicable parking, landscaping and
15 drainage provisions.

16 (2) Comply with all applicable application requirements.

17 (3) Submit a letter of support from the applicable community HOA/POA.

18 Any purposed deviation that exceeds the above standards will require variance relief
19 pursuant to Article 2.D.3.

22 **Part 5. ULDC, Art. 3.D.3.A.2 All Commercial Districts, (page 66 of 151), is hereby amended as**
23 **follows:**

24 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

25 **Section 3 District Specific Regulations**

27 **A. District Specific Regulations**

28 Additional PDRs shall apply in certain districts as follows:

29 2. **All Standard Commercial Districts, PDDs and TDDs**

30 a. **Hours of Operation**

31 Commercial uses adjacent to a residential district shall not commence business activities,
32 including deliveries and stocking, prior to 6:00 AM nor continue business activities later
33 than 11:00 PM daily.

36 **Part 6. ULDC, Art. 3.E.1.C.2.a.5), Cul-de-sacs, (page 78 of 151), is hereby amended as follows:**

38 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

39 **SECTION 1 GENERAL**

40 **C. Objectives and Standards**

41 2. **Performance Standards**

42 Planned developments shall comply with the following standards:

43 a. **Access and Circulation**

44 5) **Cul-de-sacs**

45 The objective of this provision is to recognize a balance between dead end streets
46 and interconnectivity within the development. In order to determine the total number
47 of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street
48 Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the
49 number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and
50 how the total number of streets are calculated. During the DRO certification process,
51 the addressing section shall confirm the total number of streets for the development,
52 which would be consistent with how streets are named. Streets that terminate in a T-
53 intersection providing access to less than four lots, or a cul-de-sac that abuts a
54 minimum 20 foot wide open space that provides pedestrian cross access between
55 two pods shall not be used in the calculation of total number of cul-de-sacs or dead
56 end streets.

57 a) 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-
58 end by right. This standard may be waived by the BCC; and [Ord. 2007-001]

59 b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-
60 sac or a dead end, pursuant to a waiver application approved by the BCC. The
61 BCC shall consider the following standards when deciding whether or not to
62 approve the waiver: with the provision of continuous pedestrian connectivity
63 between the cul-de-sacs or dead ends; and [Ord. 2007-001]

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

- (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and,
(2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems.
(c) ~~Parcels with an irregular configuration may be exempt from standards a) and b) above, if the applicant can demonstrate there are no other alternatives. [Ord. 2007-004]~~

Part 7. ULDC, Art. 3.E.2.B.2, Required Performance Standards (page 87 of 151), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

B. Objectives and Standards

2. Required Performance Standards

d. Drainage Decorative Street Lighting

~~Drainage easements shall not be permitted in the minimum required rear setback for residential structures. [Ord. 2006-055]~~ Decorative street lights shall be provided along the development entrances.

i. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development.

Part 8. ULDC, Table. 3.E.2.C, PUD Land Use Mix (page 87 of 151), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

C. Thresholds

2. Land Use Mix

Table 3.E.2.C:27, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic ¹	Comm.	Rec.	OS ²	Preserve Area	Dev. Area
MIN	60%	2%	-	.006 sf/unit	40%	80/20 AGR – 80% 60/40 AGR – 60%	-
MAX	-	65%	1%	-	-	-	80/20 AGR – 25% ³ 60/40 AGR – 40%
Notes:							
1. Civic sites less than 1.5 acres in size shall be designated as private, and shall only be required in CCRT areas unless waived by the BCC.							
2. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
3. See 80/20 option exception.							

Part 9. ULDC, Table 3.E.2.D, Property Development Regulations, (page 88 and 89 of 151), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

Notes:

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ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

- D. Property Development Regulations (PDRs)
The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D-28, PUD Property Development Regulations, unless otherwise stated.

Table 3.E.2.D - PUD Property Development Regulations

POD	Lot Dimensions			Density		FAR ²	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
....											
Civic											
Private	0.5 ac	100	100	-	-	-	30 percent	25	20	25	20
Public	11.5 ac.	100	200	-	-						
Commercial											
....											
Recreation											
....											15
Preservation (1)											
....											
[Ord. 2005-002] [Ord. 2007-001]											
Notes:											
1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.											
2. The maximum FAR shall be in accordance with Table 2 1-2 of the Plan, and other related provisions, unless otherwise noted.											
[Ord. 2007-001]											

Part 10. ULDC, Art. 3.E.2.E.4.c.1), Public Civic (page 92 of 151), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

E. Pods

4. Civic Pod

c. Public and Private Civic

1) Public Civic

Public civic pods shall be located adjacent to publicly owned, or anticipated to be owned, lands. In the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary may be waived by the DRO. A minimum 5-foot setback shall be required for all permanent structures, measured from the common interior boundary. The remaining setbacks shall be applied pursuant to Table 3.E.2.D – PUD Property Development Regulations. The location of, and access to, a public civic pod shall be acceptable to FDO prior to certification of the master plan by the DRO. [Ord. 2005 – 002]

Part 11. ULDC, Art. 3.E.2.F.3.g, Boundary Plat (page 91 of 148), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

F. AGR PUD

3. Preservation Area

g. ~~Boundary Plat~~

~~All Preservation Areas shall be platted. The plat shall be recorded simultaneously with the first plat in the Development area. The plat shall limit the land to the intended preservation use(s).~~

h.g Perpetual Preservation

Prior to recording the first plat for a Preservation Development Area, the Preservation Area shall be established in perpetuity ~~in one of the following manners and in a form~~

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS (Updated 05/28/08)

acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement.

1) ~~Dedication and Acceptance~~

~~Dedication of the Preservation Area to the BCC and acceptance of the dedication by the BCC.~~

2) ~~Conservation Easement~~

~~Recordation of an Agricultural Conservation Easement; or [Ord. 2006-004]~~

3) ~~Restrictive Covenant~~

~~Recordation of a restrictive covenant made in favor of PBC, stating the basis for and limiting the land to the intended use(s).~~

....

Part 12. ULDC, Art. 3.E.3.B.2.e.2, Loading Area Screening (page 97 of 148), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 3 Multiple Use Planned Development (MUPD)

B. Objectives and Standards

2. Performance Standards

A MUPD shall comply with the following standards:

e. ~~Parking and Loading~~

~~Off street parking areas shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and the following:~~

2) ~~Loading Area Screening~~

~~Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.~~

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 05/28/08)

Part 1. ULDC, Art. 4.B.1.A.85.c.1, Lot Size (page 60 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

85. Mobile Home Dwelling

The use of a lot or a unit for one mobile home.

c. Accessory to Agriculture

One mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres.

b) RR-2.5, RR-5, RR-10, and AP FLU Designation

A minimum of ten acres.

c) RR-20 FLU Designation

A minimum of 20 acres.

....

Part 2. ULDC, Art. 4.B.1.A.119.f, Mobile Home (page 82 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

119. Security or Caretaker Quarters

An accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.

f. Mobile Home

A mobile home may be used for a security or caretaker quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts shall be subject to the minimum acreage requirement pursuant to Article 4.B.1.A.85.c.1, Lot Size. If a mobile home is used, the Special Permit shall be renewed annually.

....

Part 3. ULDC, Art. 4.B.1.A.138, Warehouse (page 94 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

138. Warehouse

A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

e. Parking in PDDs

Facilities located in a PDD shall comply with Table 6.A.2.B. – Minimum Off-Street Parking and Loading Requirements.

Part 4. ULDC, Art. 4.D.4.B.14 and 15, Prohibitions and Exemptions (page 131 and 132 of 155), is hereby amended as follows:

CHAPTER D EXCAVATION

Section 4 Prohibitions and Exemptions

B. Exemptions

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS (Updated 05/28/08)

14. Excavation by Public Agencies

- a. Excavation performed by ~~public agencies, including PBC, SFWMD water control districts created pursuant to F.S. Chapter 298,~~ or special districts created by special legislative act governed by the BCC, provided such excavation complies with the standards listed below following:
- a.1) ~~solely under the jurisdiction, authority, and control of PBC, SFWMD, or the applicable district.~~
- b.2) ~~completed, operated, and maintained in perpetuity by PBC, SFWMD, water control district, or the applicable special district,~~
- c.3) ~~an official part of the operation and function of PBC, SFWMD, or a water control district, or a the applicable special district.~~
- d.4) ~~In order to be exempt under this provision, the PBC Department or applicable district public agency shall:~~
- 1) ~~(a)~~ schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,
- 2) ~~(b)~~ provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity, and
- 3) ~~(c)~~ provide written notification of the public hearing required by this subsection to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.
5. For excavations greater than the maximum depth listed in Article 4.D.5.A.2 and Article 4.D.5.B.3, the chloride and TDS requirements shall apply.

15.b. Excavations, Canals, Impoundments

Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD ACOE, or water control districts or improvement districts created pursuant to F.S. Chapter 298 and within PBC.

Part 5. ULDC, Art. 4.D.5, Excavation Standards (pages 129-141 of 155), is hereby amended as follows:

CHAPTER D EXCAVATION

Section 5 Excavation Standards

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

A. Agricultural Excavations

2. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that ~~(1)~~ chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) either does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. in the excavated lake based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride ~~or and~~ TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction.

5. Use Approval and Procedures

All applications for agricultural excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.1, Zoning Definitions and Acronyms. The excavation shall be the minimum necessary to implement the proposed bona fide agricultural use.

a. Two Acres or Less

b. Greater Than Two Acres

c. Additional Review

See Section 5.F.6 for Excavation Pre-application Checklist.

6. Guarantee Requirements

Agricultural excavation shall comply with the Guarantee requirements pursuant to Article 4.D.8.D, Performance Guarantee Requirements.

7. Notice of Intent to Construct

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS (Updated 05/28/08)

In accordance with Article 4.D.7, Notice of Intent to Construct, shall be required.

B 8. WCAA Excavations

1. a. Operational and Construction Standards

An application for WCAA excavation shall comply with the standards in Article 4.D.8.A, Operational Standards and Requirements, and Article 4.D.9.B, Violations, Enforcement, and Penalties, and except for hours of operation.

2. b. Separations and Setbacks

In addition to the separation requirements in Article 4.D.8.B.1, Separation, a WCAA excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

3. c. Depth

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.D.9, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F A C within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction.

4. d. Sediment Sump

5. e. Use Approval and Procedures

All applications for WCAA excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Zoning Definitions and Acronyms. Excavation shall be the minimum necessary to implement the bona fide agricultural use.

1) Additional Requirement. See Section 5.F.6 for Excavation Pre-application Checklist.

6. f. Notice of Intent to Construct

GB. Type I A Excavation

8. Use Approval and Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling.

a. Application Requirements and Procedures

DC. Type I B Excavation

7. Use Approval and Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single-family dwelling.

a. DRO Approval

b. Duration

ED. Type II Excavation

1. Location

A Type II excavation may be permitted to implement a site development plan for a principal use as permitted in the Use Regulation Schedule Table 4.A.3.A-1, Use Matrix, and to implement a Master Plan, site plan, or final subdivision plan approved by the DRO.

5. Use Approval and Procedures

FE. Type III Excavations

1. Classification of Types

An ~~Excavation~~ that meets the definition of mining are ~~is~~ considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this Section, are to be considered a Type III excavation. Two classes of Type III excavations (Type III A and Type III B) are established to distinguish between the types of mining operations.

a. Type III A

b. Type III B

2. Standards

An application for A a Type III excavation shall comply with the following requirements:

6. Use Approval and Procedures

A Class A conditional use approval is required for a Type III excavation, in accordance with Article 2.B.2, Conditional and Requested Uses, and this Section. ~~Simultaneously with submittal of the Class A conditional use application to the Zoning Division, the applicant shall submit a duplicate copy to the Water Control District that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be~~

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS (Updated 05/28/08)

~~included in the staff report for presentation to the BCC. A Type III excavation shall require an additional level of review that exceeds the County's current scope of review to establish that the request will not have a significant adverse impact to water quality or the overall health of available water resources.~~

~~a. Approval of Final Plan~~

~~Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to the DRO for review and approval in accordance with Article 4.D. ADMINISTRATIVE PROCESS.~~

~~1) The applicant shall submit a phasing plan complying with the requirements of Article 4.D.6. Supplemental Application Requirements, and Article 4.D.7. Notice of Intent to Construct.~~

~~2) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees required by Article 4.D.8.E. Maintenance and Monitoring, and written authorization by the DRO. [Relocated below]~~

a. Excavation Pre-Application Checklist

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall secure the information described on the excavation pre-application checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZ&B.

1) Preliminary Assessment Letter (PAL)

The Applicant shall gather the information described on the checklist and conduct a pre-application meeting with the DEP. The County application shall not be determined to be sufficient without the PAL or its equivalent as stated in Art. 4.D.5.6.a.2. Should the DEP identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing.

2) Alternative to the Preliminary Assessment Letter

In lieu of a Preliminary Assessment Letter, the applicant may submit one of the following to the County:

1) An Environmental Resource Permit, or

2) Request for Additional Information demonstrating no apparent concerns will be generated from the application.

3) Conditions of Approval

The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations.

b. Water Control or Management District

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall submit a duplicate copy to the Zoning Division to be forwarded to the Water Control or Management District, whichever is applicable, that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC.

ac. Final DRO Approval of Final Plan

~~....~~
~~3) Prior to final site approval by the DRO, ERM shall confirm that the applicant has provided all necessary state final approved permits.~~

d. Amendment to Development Order

If amendments to the BCC approval are necessary to accommodate other State permitting requirements, and provided these changes are within boundaries of the existing BCC approval, these amendments shall be allowed at final plan approval by the DRO.

be. Haul Permit

ef. Notice of Intent to Construct

eg. Reclamation Plan Approval and Release of Performance Guarantees

7. Annual Report

For the purpose of Type III Excavation, the owner shall submit an Annual Report to the Monitoring Section on the anniversary date of the BCC approval date. The Annual Report is necessary to monitor the intent of the conditional use approval and applicable BCC conditions. In addition, the report is to ensure compliance and update the Agency requirements as listed below:

a. General:

1) Acres mined to date;

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 05/28/08)

- 2) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County;
 - 3) Status of each phase;
 - 4) Updates to master /site plans;
 - 5) Documentation that the intended use of the material complies with County requirements, such as, but not limited to, the quarry's status with FDOT and other usages for the mined aggregate;
 - 6) Status of compliance with conditions contained within the approved Resolution(s);
 - 7) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of noncompliance/violations;
 - 8) Full stamped, executed or signed copies, including exhibits and plans, of required permits from all participating agencies including modifications or updates as they occur; and;
 - 9) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year.
- c. **Agencies**
Address the following the following agency requirements:
- 1) **Archaeological:**
 - a) Status of found artifacts and their location(s), and;
 - b) Copy of notification(s) to County and State Archaeologist and current status.
 - 2) **Engineering:**
 - a) Status of potential road construction requirements, signalization and ROW acquisitions.
 - 3) **Environmental:**
 - a) Status of NIC conditions of approval and compliance with Administrative waivers.
 - b) Status of extraction fee and;
 - c) Water quality data from designated sampling location from FDEP.
 - 4) **Health:**
 - a) Status of compliance for any onsite sewage treatment and disposal systems;
 - b) Status of compliance for any onsite drinking water systems, and;
 - c) Status of compliance with BMP's for mosquito control including the need for aerial spraying.
 - 5) **Planning:**
 - a) Status of possibility for the mined areas to be utilized for Water Management or ecosystem restoration purposes with a letter or any executed binding agreements from each corresponding agency discussing pertaining to the reclaimed mined areas future proposed uses.
 - 6) **Zoning:**
 - a) Copy of the daily blasting log;
 - b) Copy of the State Fire Marshall's blast permit; and;
 - c) Status of the upland reclamation requirements
78. **Compatibility Standards**
- c. **Type III B Excavation**
- 2) **General**

A Type III B excavation shall comply with the following criteria:
 - d) **Buffer**
 - (4) **No Existing Vegetative Buffer**

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of an a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted earthen berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

 - (a) All residential zoning districts and;
 - (b) Lots supporting existing or proposed residential uses in the AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR district if the land is used solely for bona-fide agricultural purposes.
9. **Extraction Fee for Impacts**
To offset the impacts of mining, a natural resource extraction fee is to be provided yearly for this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at \$.05 per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of \$.05 per ton provided by February 15. The funds will be used for environmental enhancement and compliance and monitoring

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

activities which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by Section 373.41492(5) as amended, of the Florida Statutes. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount.

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 05/19/08)

Part 1. ULDC, Art. 5.B.1.A.1.d.1).b), ZLL (page 7 of 75), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

d. Setbacks, Accessory Structure

1) Residential Districts, Except AR

b) ZLL

Accessory structures shall meet the setback requirements of Table 3.D.2.B-ZLL
Property Development Regulations A-18: Townhouse Regulations.

Part 2. ULDC, Art. 5.B.1.A.1.d.4, Dimensions (page 8 of 75), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. General

The following standards in this Section shall apply to all development in standard, PDD or
TDD zoning districts, unless otherwise stated: [2007-001]

d. Setbacks, Accessory Structure

1) Residential Districts, Except AR

2) AR District

3) Nonresidential Districts

4) Dimensions

In the U/S Tier, an all accessory structures located on a parcel in a residential district
shall not occupy more than 25 percent of the distance between property lines.

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Notes:

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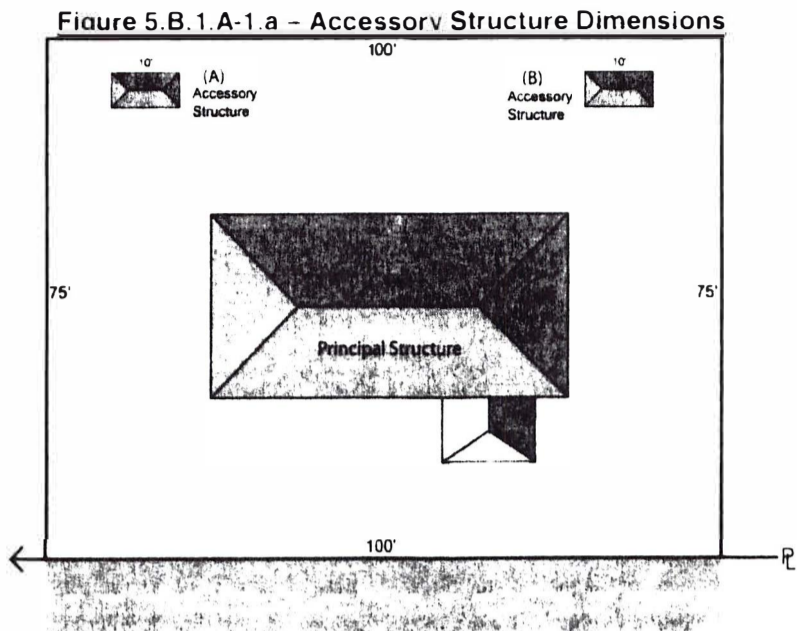
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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 05/19/08)



In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines

This Example:

Distance between property lines: 100'
Total of A+B accessory structures: 10' + 10' = 20'
 $100' \times 25\% = 25'$ maximum allowed by Code

Part 3. ULDC, Art. 5.B.1.A, Accessory Uses and Structures, (page 23 of 75), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

19. Mechanical Equipment

a. Applicability

This section shall apply to the installation of improvements associated with mechanical equipment.

1) Location and Setbacks

a) Setback Exceptions

Setback exceptions shall be applied pursuant to Article 3.D.1.D.5.a. Setback Exceptions.

b) Height Exceptions

Height exceptions shall be applied pursuant to Article 3.D.1.E.4. Height Exceptions.

2) Screening Requirements

a) New and replacement equipment, shall be screened on all sides by an opaque barrier constructed of materials, and color compatible with ~~at the building or structure, or equivalent landscaping; if ground mounted equipment, to a minimum height equal to the highest point of the equipment:~~ *[Ord. 2006-004] [Relocated from Art. 5.C.1.H.1.b]*

b) Exemption

The following shall be exempt from screening requirements: *[Ord. 2006-004] [Relocated from Art. 5.C.1.H.1.b.1]*

(1) Mechanical equipment less than one foot in height, measured from the roof deck, provided it is painted to match the color of the structure it is attached to or servicing, and *[Ord. 2006-004] [Relocated from Art. 5.C.1.H.1.b.1]*

(2) Mechanical equipment located on properties adjacent to:

(a) non-industrial properties or use; *[Ord. 2006-004] [Relocated from Art. 5.C.1.H.1.b.1.b]*

Notes:

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS (Updated 05/19/08)

- (b) parcels with an Industrial FLU or Industrial use, or unless visible, obstructed from view from a R-O-W by vegetation or structure. [Relocated from Art. 5.C.1.H.1.b.1.b]
- (3) If an existing roof cannot structurally support additional weight associated with required screening materials, a certified letter from a structural engineer or architect registered in the State of Florida, shall be submitted with the applicable permit, substantiating that the roof cannot support the additional weight.

Part 4. ULDC, Art. 5.B.1.B.3.c, Real Estate and Management Office, (page 27 of 75), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

B. Temporary Structures

3. Temporary Structures and Uses During Development Activity

Temporary structures and uses may be allowed as follows: [Ord. 2008-003]

c. Real Estate Sales And Management Office

- 1) **Use**
- 2) **PDD**
- 3) **Number**
- 4) **Location**
- 5) **Parking**
- 6) **Banners, Streamers, and Pennants**

A maximum of two of any one of the following: banners, streamers or pennants may be permitted for every 200 feet of frontage along a public R-O-W. They shall be setback a minimum of five feet from the property line, not to exceed eight feet in height and 20 square feet in size, and may be clustered or dispersed along the R-O-W.

67) **Duration**

78) **Removal**

A sales office, and all accessory signs, banners, streamers and pennants shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. The office shall be removed if construction ceases for more than 180 days. An abandoned office shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

89) **Mobile Home**

Part 5. ULDC, Art. 5.C.1.H.1.b, Mechanical Equipment Screening (page 32 of 75), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

H. Guidelines

1. Nonresidential Design Elements

The following guidelines shall apply to all nonresidential projects or buildings that meet the threshold in Art. 5.C.1.B and are not exempt in Art. 5.C.1.C: [Ord. 2005 – 002]

a. General

b. Mechanical Equipment Screening

All electrical, air conditioning, and fixed mechanical equipment, including satellite dishes, shall be screened on all sides by an opaque barrier constructed of compatible materials, and color of the building or equivalent landscaping, to a minimum height equal to the highest point of the equipment. [Ord. 2006-004]

1) **Exemption**

The following shall be exempt from screening requirements: [Ord. 2006-004]

- a) Mechanical equipment less than one foot in height, measured from the roof deck, provided it is painted to match the color of the structure it is attached to or servicing. [Ord. 2006-004]
- b) Mechanical equipment adjacent to properties with an Industrial FLU or use, unless visible, from a R-O-W or non-industrial property or use. [Ord. 2006-004]

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS

(Updated 05/19/08)

[Renumber accordingly]

Part 6. ULDC, Art. 5.D.2.B, Community and Neighborhood Park Recreation Standards (page 39 of 75), is hereby amended as follows:

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

B Community and Neighborhood Park Recreation Standards

2. Calculation of Required Recreation

The required recreation area shall be the equivalent of two and one-half acres of developed land per 1,000 people population, based on 2.32 people per unit. Development of recreational facilities shall be of a type suitable for general neighborhood or community park use. The dollar amount to be spent on recreational improvements per acre shall be no less than 75 percent of PBC's average cost per acre for developing community and neighborhood park type facilities as calculated by the Park and Recreation Department based on the current PBC cost per acre to develop Community or Neighborhood park facilities. The minimum dollar amount to be spent on recreation facilities shall be determined by the Parks and Recreation Department at the time of final site plan submission.

a. WCRAO

The required recreation area shall be the equivalent of one and one quarter acres of developed land per 1,000 people population, based on 2.32 people per unit.

5. Cash-Out Option

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with Article 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of Article 5.D.2.B.6, Park and Recreation Trust Fund.

a. WCRAO

At the option of the Parks and Recreation Department, with a positive recommendation from the WCRA, the developer may, in lieu of or in combination with Article 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement, or convey land of equal value within the WCRA targeted area to the County, as identified by the Parks and Recreation Department or the WCRA Plan, including land and improvements for the entire development, or a portion thereof, at the time the first plat is submitted for recording or issuance of the first residential or mixed use building permit. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, issuance of the first residential or mixed use building permit or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat or issuance of the first residential or mixed use building permit. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of the WCRA community or neighborhood parks according to the provisions of Article 5.D.2.B.6, Park and Recreation Trust Fund.

Part 7. ULDC, Art. 5.D.2.G.2, County Park Landscape Standards (page 41 of 75), is hereby amended as follows:

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

G. County Park Landscape Standards

....

2. Perimeter Buffer Landscape Requirements

a. WCRAO

Landscape buffers shall not be required if the proposed park and recreation areas are internally integrated within the development.

Notes:

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ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS

(Updated 05/19/08)

Part 8. ULDC, Art. 5.E.4.E, Outdoor Lighting (pages 45-49 of 75), is hereby amended as follows:

CHAPTER E PERFORMANCE STANDARDS

Section 4 Nuisances

E. Outdoor Lighting

2. Applicability

c. Exemptions

The following uses shall be exempt to the extent listed below: [Ord. 2005-041]

4) Landscape and Accent Lighting

Landscape and Accent Lighting fixtures that comply with the Florida Building Code, Chapter 13 Section 13-415.1ABC.2.1 efficacy requirements shall be exempt. All exempt Landscape and Accent Lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended.

d. Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited in unincorporated PBC: [Ord. 2005-041]

4) Any drop lens fixture, ~~and~~ [Ord. 2005-041] or fixture that does not meet the IESNA Full-Cutoff classification of 0% of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures.

5) Animated lighting, unless authorized under Art. 8, Signage. [Ord. 2005-041]

3. Submittal Requirements

a. Photometric Plan

3) All photometric plans must be signed and sealed by a licensed engineer, or architect or Landscape Architect. [Ord. 2005-041]

4) A Certificate of Compliance signed and sealed by a licensed engineer, or architect or Landscape Architect must be submitted prior to the issuance of a Certificate of Occupancy. [Ord. 2005-041]

5) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide, and 0.81 for High Pressure Sodium, and 0.95 for LED, based on manufacturers' initial lamp lumens. [Ord. 2005-041]

4. Standards

a. Confinement

All outdoor lighting shall utilize be full cutoff luminaires per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for 0% of lumens above 90 degrees from nadir. No luminaires other than landscape lighting exempted per E.2.c.4. shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaires not exceeding 100 watts with a maximum illumination of one foot candle measured at 12 feet in height. [Ord. 2005-041]

c. Security Lighting and Time Restrictions

3) Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 0.75-1fc, a minimum of 0.3 fc ~~0.5fc~~ and a maximum of 3fc from dusk until dawn. [Ord. 2005-041]

....

5) Automatic timing devices with a photosensor or an astronomical timeclock, which that control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year. [Ord. 2005-041]

d. Illumination Levels

Table 5.E.4.D – 15, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios. [Ord. 2005-041]

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 05/19/08)

Table 5.E.4.D–15 - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Accent Pathway and Landscape Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others	12.5 3.0	1.0 0.3	12.5 10.1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	5.0	2.0 10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041]				
Notes:				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaries used to light parking lots shall comply with Parking Lot illumination levels.				
3. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.				

Part 9. ULDC, Art. 5.G.1.E.1, Option 1 – Off-site Construction (page 58 of 75), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

E. WHP Off-site Options

1. Option 1 – Off-site Construction
- Building permits shall be issued for a minimum of 50-percent of the required WHP units to be constructed off-site prior to the issuance of the first CO in the subject development. All off-site WHP units must receive CO prior to issuance of more than 75-percent of the CO's in the subject development.
- a. WCRAO – Off-site construction of the required WHP units within the low income range shall be limited to ten percent.

Part 10. ULDC, Art. 5.H.3, Site Plan and Plat Dedication Language (page 75 of 75), is hereby amended as follows:

CHAPTER H MASS TRANSIT STANDARDS

Section 3 Site Plan and Plat Dedication Language

- D. Property Owned by Palm Beach County
- All mass transit infrastructure/facilities shall be located, referenced and established in a form and manner that is mutually agreeable to Palm Tran and the applicable Palm Beach County department(s).

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EXHIBIT F

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Part 1. ULDC Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 5 of 37), is hereby amended as follows:

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Commercial	Parking ¹	Loading ²
....		
Car wash Automatic self service	1 space per 200 sq. ft. of office, retail, or indoor seating area	N/A
....		
[Ord. 2005-002]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Part 2. ULDC, Art. 6.A.1.D, Off Street Parking (page 29 of 37), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

20. Parking Limitations for Residential Lots

The provisions of this section shall apply retroactively. The following standards shall apply to the parking of vehicles on residential parcels. For the purposes of this section, the term vehicle shall include: cars, commercial vehicles, ~~recreational vehicles~~, sports utility vehicles and trucks. In addition, for the purposes of this section, the AR district shall be considered a residential district.

a. Parking for ~~Ten~~ Seven Vehicles

A maximum of ~~ten~~ seven vehicles may be parked outdoors on a lot supporting a single-family residential use.

2021. CRALLS Reductions

Part 3. ULDC, Art. 6.B.1, Loading Areas [Related to Screening] (page 30 of 35), is hereby amended as follows:

CHAPTER B LOADING STANDARDS

Section 1 Loading

B. Loading Space Ratios

Off street loading spaces shall be provided in accordance with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements. The letters shown in the "loading" column shall correspond to the following ratios:

1. **Standard "A"**

One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.

2. **Standard "B"**

One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.

3. **Standard "C"**

One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.

4. **Standard "D"**

One space for each 50 beds for all facilities containing 20 or more beds.

5. **Standard "E"**

One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

Notes:

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EXHIBIT F

ARTICLE 6 – PARKING SUMMARY OF AMENDMENTS (Updated 05/28/08)

C. Location and Screening

Loading spaces shall be located adjacent to the building, which it serves, and where required by Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements, each building shall be required to have a minimum of one loading space, unless a reduction is permitted pursuant to Art. 6.B.1.E.7, Loading Space Reduction. Loading spaces shall be proportionately distributed throughout the site.

2. Loading Areas Screening

Loading spaces shall be screened from view of the public, unless exempted. The following provisions shall apply to all:

a. Exemptions

The DRO may exempt a loading space from any screening requirements where a single space is permitted to be reduced in number, size or collocated in projects where authorized by the WCRAO Executive Director.

b. Loading Spaces, Docks, and Related Maneuvering Areas

Loading spaces, docks and related maneuvering areas that are located:

- 1) within 100 feet of a parcel with a residential FLU; or
- 2) within 100 feet of a parcel with a residential use; or
- 3) visible from a street R-O-W; or
- 4) any combination of the above

Loading docks and similar areas shall be screened by an opaque wall architecturally compatible with the adjacent structure on the property. The wall shall be of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall. Related maneuvering areas shall be measured from the outer edge of the defined areas utilized for loading activities to the nearest property line.

[Partially relocated from Art. 6.B.1.C.2, Loading Areas]

c) Single Tenant Users Over 50,000 Square Feet, in a PDD or TDD

In addition to the requirements pursuant to Article 6.B.2, Screening a roof shall be provided over the loading spaces and docks.

a. Single tenant users over 50,000 square feet in a PDD or TDD shall provide a roof over loading areas within 100 feet of a residential district, pod, or use.

[Partially relocated from Art. 6.B.1.C.2.a]

3. Co-locating Loading and Dumpster

A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity. [Relocated from Art. 6.B.1.E.7.b, Co-locating Loading and Dumpster]

....

E. Dimensional Standards and Design Requirements

Required loading spaces shall be subject to the following minimum standards:

7. Loading Space Reduction

b. Co-locating Loading and Dumpster

A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity. [Relocated to new Art. 6.B.1.C.3, Co-Locating Loading and Dumpsters – under Location and Screening]

bc. Reduction in Width and Length

....

Part 4. ULDC, Art. 6.B.1, Loading [Related to Screening] (page 30 of 37), is hereby amended as follows:

CHAPTER B LOADING STANDARDS

Section 1 Loading

A. Computing Loading StandardsPurpose and Intent

Refer to Art. 6.A.1.A, Purpose and Intent.

B. Loading Space RatiosApplicability

Refer to Art. 6.A.1.B, Applicability.

AC. Computing Loading Standards

BD. Loading Space Ratios

Off street loading spaces shall be provided in accordance with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements. The letters shown in the "loading" column shall correspond to the following ratios:

1. Standard "A"

One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.

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EXHIBIT F

ARTICLE 6 – PARKING SUMMARY OF AMENDMENTS (Updated 05/28/08)

2. **Standard “B”**

One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.

3. **Standard “C”**

One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.

4. **Standard “D”**

One space for each 50 beds for all facilities containing 20 or more beds.

5. **Standard “E”**

One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

GE. Location

Loading spaces shall be located adjacent to the building which it serves, and where required by Table 6 A.1.B-1, Minimum Off Street Parking and Loading Requirements. Loading spaces shall be proportionately distributed throughout the site.

F. Screening

1. **Bay Doors**

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view. [Relocated from 6.B.1.C.1]

2. **Loading Areas**

Loading areas, which may include loading ~~docks and similar areas~~ spaces, docks and associated maneuvering areas that are:

- within 100 feet of a parcel with a residential FLU, zoning district or use; or
- visible from a street R-O-W;

shall be screened by an opaque wall architecturally compatible with the adjacent structure, unless exempted pursuant to Art. 6.B.1.F.4 below. The wall shall be of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

a3. **Single Tenant**

Single tenant users over 50,000 square feet in a PDD or TDD shall provide a roof over loading areas in addition to the requirements pursuant to Art. 6.B.1.F.2. ~~within 100 feet of a residential district, pod, or use~~ [Relocated from Art. 6.B.1.C.2 under new heading]

4. **Exemptions**

The BCC, ZC or DRD may exempt loading areas from screening requirements as listed below, provided the applicant demonstrates compliance with Art. 6.A.1.A, Purpose and Intent:

- the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure;
- a structure or tenant consisting of 10,000 square feet or less;
- a single loading space; or
- the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.15 I.2.

DG. Prohibitions

EH. Dimensional Standards and Design Requirements

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EXHIBIT G

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Part 1. ULDC, Art. 7.E.4, Maintenance, (page 27 of 47), is hereby amended as follows:

CHAPTER E INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION

Section 4 Maintenance

A. PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the following:

B. Vacant Lots [Relocated entire Section to Art. 7.E.4.G below]

~~GB.~~ Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices. **[Relocated from Art. 7.E.4.C]**

~~GC.~~ Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition. **[Relocated from Art. 7.E.4.D]**

~~GD.~~ Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas. **[Relocated from Art. 7.E.4.E]**

~~GE.~~ Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. No canopy tree shall be pruned until it has reached the minimum 20 foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes. **[Relocated from Art. 7.E.4.F]**

~~GF.~~ Landscape areas which are required to be created or preserved by this Article shall not be used for temporary parking or the storage/display of materials or sale of products or services. **[Relocated from Art. 7.E.4.G]**

~~BG.~~ Vacant Lots

....
[Relocated from Art. 7.E.4.B]

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Notes:

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EXHIBIT H

ARTICLE 8 – SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Part 1. ULDC, Art. 8.D.5, Temporary Residential Development Signs (page 16 of 40), is hereby amended as follows:

CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

Section 5 Temporary Residential Development Signs

~~A maximum of No more than~~ two temporary residential development signs shall be permitted per frontage for up to three years or until ~~80~~95 percent of the development has received a CO₂, ~~whichever occurs later.~~
~~An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet~~

A. Developments Lots Less Than Five Acres

Temporary residential development signs shall be a maximum of eight square feet in sign area and not more than five feet in height.

B. Developments Lots Greater Than Over Five Acres

Temporary residential development signs shall not be more than 48 square feet in sign area and not more than ten feet in height.

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EXHIBIT I

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 03/26/08)

Part 1. ULDC, Art.14.C.11.B.2.k, Incorporation or Relocation of Existing Native Vegetation, [Related to Natural Area Fund] (page 37 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

B. Technical Requirements for a Standard Permit

2. Incorporation or Relocation of Existing Native Vegetation

-
- k. In lieu of replacement planting, a donation may be made to PBC for the Natural Area Stewardship Endowment Fund. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting specimen trees; [Ord. 2006-036]
-

Part 2. ULDC, Art.14.C.11.C.2.a.3), Cash Payment Option in Lieu of Native Upland Preserve, [Related to Natural Area Fund] (page 40 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit Options

C. Standard Permit Options

2. Cash Payment Option in Lieu of Native Upland Preserve

- a. A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met:
-
- 3) The cash payment shall be made payable to the PBC Natural Areas Stewardship Endowment Fund and shall be submitted prior to issuance of the permit or site plan certification, whichever occurs first; and
-

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Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT J

ARTICLE 17 – DECISION MAKING BODIES SUMMARY OF AMENDMENTS

(Updated 05/01/08)

Part 1. ULDC, Art. 17.D.7.C, Comments and Recommendations, (page 21 of 24), Is hereby amended as follows:

CHAPTER D STAFF OFFICIALS

Section 7 Development Review Officer

C. Comments and Recommendations

1. The DRO may seek comments and recommendations from the following PBC departments and divisions, as well as other local government and state government agencies, as deemed appropriate by the DRO:
 - a. Zoning Division.
 - b. Planning Division.
 - c. Engineering Department.
 - d. PBC HD.
 - e. ERM.
 - f. Parks and Recreation Department.
 - g. Building Division.
 - h. Department of Airports.
 - i. Water Utilities Department.
 - j. Fire-Rescue Department.
 - k. PREM.
 - l. Housing and Community Development (HCD).
 - m. PBC School Board.
 - n. Lake Worth Drainage District.
 - o. Department of Environmental Protection (DEP) for Type III Excavation
2. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.

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Notes:

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EXHIBIT K

AGR PUD SCREEN ENCLOSURE SETBACKS SUMMARY OF AMENDMENTS

(Updated 05/20/08)

Part 1. ULDC, Art. 3.D.1.D.4, Open Space (related to setback reductions) [page 58-59 of 151], is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 1 PDRs for Standard Zoning Districts

D. Setbacks

4. Setback Reductions

No setback reduction shall be used in combination with any other setback reduction allowed by this Code.

a. Open Space

In residential zoning districts located in the U/S Tier or the residential pod of a AGR-PUD, the rear and side setbacks along the length of a property line adjacent to dedicated open space defined by a minimum of 50 feet in width may be reduced by 25 percent, unless otherwise stated by this Code.

Part 2. ULDC, Art. 5.B.1.A.10.b.2)b), Single Family and ZLL Homes (related to exceptions for pool and spa setbacks) [page 15 of 75], is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

10. Swimming Pools and Spas

b. Setbacks for Pools or Spas

2) Exceptions

b) Single Family and ZLL Homes Adjacent to Open Space

Swimming pools or spas may be constructed with a three-foot rear or side interior setback in accordance with Art. 3.D.1.D.4, Open Space ~~if adjacent to open space 50 feet in width or greater.~~

Part 3. ULDC, Art. 5.B.1.A.11.b.1)b), Single Family and Zero Lot Line Homes [Related to Setbacks for Screened Enclosures with Screened Roofs] (page 18 of 75), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

11. Screen Enclosures

b. Setbacks for Screen Enclosures with Screened Roofs

1) Exceptions

b) Single Family and ZLL Homes Adjacent to Open Space

Screen enclosures with a screen roof may be constructed with zero foot rear or side interior setback in accordance with Art. 3.D.1.D.4, Open Space ~~if adjacent to dedicated open space 50 feet in width or greater in accordance with the setback reductions of Article 3.D. PROPERTY DEVELOPMENT REGULATIONS (PDRS).~~

Notes:

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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Part 1. ULDC, Art. 1.I.2, Definitions (pages 32 and 57 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

-
- 63. Animal Shelter** – means a not for profit institutional establishment regulated by ACC Ord. 98-022, as amended, as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code.
- 64. Animal Control Facility** – means a government owned facility charged with enforcement of all local, state and federal laws pertaining to animals or animal welfare, operation of an animal shelter(s), licensing of certain animals, investigations for dangerous dogs and animal-to-human bites, impoundment of stray or unwanted animals, disposition and adoption of animals, licensing and permitting of animal businesses as outlined in Palm Beach County Ordinance 98-22, as may be amended, administration and oversight of animal welfare and animal issues that relate to animal protection, public safety and public health, rabies surveillance and vaccination programs, development of local standards for both public and private animal shelters and animal rescue organizations, and development and oversight of pet overpopulation programs.

[ReNUMBER Accordingly]

....

Part 2. ULDC, Table 3.E.1.B, PDD Use Matrix (pages 70, 71, 73 and 74 of 151), is hereby amended as follows:

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Notes:
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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

1

Table 3.E.1.B – PDD Use Matrix cont'd

Use Type	PUD					MUPD							MXPD				PIPD						
	Pods					Land Use Designations							Land Use Designations				Use Zone						
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N	I N / T	C L	C H	C L	C H	I N	C O	I N	M D	R H / P D	R V P D	N O T E
Residential Uses																							
Kennel, Type I (Private)	P																						73
Commercial Uses																							
Kennel, Type II (Commercial)		R					R							R									74-1
Kennel, Type III (Commercial Enclosed)		R				R	R						R	R				P					74-2
Public and Civic Uses																							
Government Services		P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63
Kennel, Type IV (Animal Shelter)						R	R					R	R	R									74-3
Agricultural Uses																							
Kennel, Type I Private	P																						73
Kennel, Type II Commercial		R					R							R				P					74-1
[Ord. ...]																							
Notes:																							
P Permitted by right																							
D Permitted subject to approval by the DRO																							
S Permitted in the district only if approved by Special Permit																							
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																							

2
3
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Notes:
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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Part 3. ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (pages 115 – 116 of 151), is hereby amended as follows:

Table 3.F.1.F – Traditional Development Permitted Use Schedule

District	TND						TMD				N O T E S
Tier	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
Pods	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	NC	Open Space/ Rec			Dev.	Preserve	
Residential Uses											
.....											
Kennel, Type I (Private)	P			P							73
.....											
Public and Civic Uses											
.....											
Kennel, Type IV (Animal Shelter)							R	R	R		74-3
Government services		P			P		P	P	P	P	63
.....											
Commercial Uses											
.....											
Kennel, Type III (Commercial Enclosed)							R	R	R		74-2
.....											
[Ord.]											
Notes:											
P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Requested Use.											

Part 4. ULDC, Table 4.A.3.A, Standard District Use Matrix (pages 13, 15 and 16 of 155), is hereby amended as follows:

(This space intentionally left blank)

Notes:
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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Table 4.A.3.A-1 – Use Matrix

Use Type	Zoning District/Overlay																			N O T E
	Agriculture/ Conservation			Residential					Commercial						Industry/ Public					
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I	I	P	I	
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P	
		R		S	S						O		O		E				F	
				A	A															
Residential Uses																				
Kennel, Type I (Private)		P	P	P	P	P	D	D	D											73
Commercial Uses																				
Kennel, Type II (Commercial)		B												B		B	D			74-1
Kennel, Type III (Commercial Enclosed)											A		B			B	D			74-2
Public and Civic Uses																				
Government Services		D	A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	P	D	63
Kennel, Type IV (Animal Shelter)											A		A			A	D	A	A	74-3
Agricultural Uses																				
Kennel, Type I Private		P	P	P	P	P	D	D	D											73
Kennel, Type II Commercial		B												B		B	D			74-1
[Ord. ...]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

Part 5. ULDC, Art. 4.B.1.A.63, Government Services (page 51 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

63. Government Services

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police, and fire stations.

a. AGR District

Institutional and public facility uses shall not be located west of SR 7.

b. Prisons

Jails, correctional facilities and prisons shall be permitted in the PO and IPF districts only subject to Class A conditional use approval. Expansion of existing facilities shall be exempt from this requirement.

c. ACC Animal Control Facilities

Notes:

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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

An ACC operated Animal Control Facility shall be considered a government services use in the PO and IPF districts, or a commercial or light industrial pod of a PIPD, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b.

Part 6. ULDC, Art. 4.B.1.A.73, Type I Kennel (Private) (pages 55 and 56 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

73. Kennel, Type I (Private)

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats. [Ord. 2006-036]

a. Limitations of Use

A private kennel shall be limited to domestic animals owned by the occupants of the premises only, or a private non profit animal organization licensed by PBC ACC that is not open to the public and located on less than 2.5 acres. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted by PBCACC. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. [Ord. 2006-036]

1) Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. [Ord. 2006-036]

2) Hobby Breeder

A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCACC pursuant to Ord. 89-2, as amended. [Ord. 2006-036]

3) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

4) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036]

b. Guard Dog Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section.

Part 7. ULDC, Art. 4.B.1.A.74-1, Type II Kennel (Commercial) (page 56 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

74-1.Kennel, Type II (Commercial)

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]

1) Lot Size

A minimum of two acres. [Ord. 2006-036]

Notes:

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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

2) Frontage

A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-036]

3) Outdoor Runs

a) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

b) Standards

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. [Ord. 2006-036]

4) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Accessory Residential Use

A Type II commercial kennel may be operated in conjunction with a residence on properties with a residential or underlying residential FLU designation. [Ord. 2006-036]

c. PIPD

A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b.

Part 8. ULDC, Art. 4.B.1.A, Type III Kennel (Commercial) (page 56 and 57 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

74-2.Kennel, Type III (Commercial)

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]

1) Maximum Square Footage

Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in any other permitted district. [Ord. 2006-036]

2) Number of Animals Permitted

Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]

3) Standards

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

4) Waste Disposal

A Type III kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]

5) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Approval Process

A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]

Notes:

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EXHIBIT L
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

c. PIPD

A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2007-001]

Part 9. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (page 57 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

74-3. Type IV Kennel (Animal Shelter)

A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, that is used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code.

a. Limitations of Use

All Type IV kennels shall be licensed and regulated by ACC, and comply with the following.

1) Frontage

Facilities that are open to the public shall have a minimum of 100 feet fronting on and access from a collector or arterial street.

2) Hours of Operation

Hours of operation shall be in accordance with ACC Ord. 98-022.

3) Outdoor Animal Use Areas

a) Setbacks

Outdoor animal use areas including but not limited to outdoor runs shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district.

b) Screening

In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer, any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the incompatibility buffer with either of the following:

(1) A six foot high fence, and double the required buffer width and planting requirements; or

(2) A six foot high CBS or concrete panel wall.

4) Number of Animals Permitted

Prior to review by DRO, preliminary approval shall be obtained from ACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted.

5) Waste Disposal

A Type IV kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.

b. Collocated Uses

Any commercial or other use providing services to the general public, inclusive of veterinary, training or boarding services, among others, shall only be permitted in accordance with the PDD, TDD or Standard District Use Matrices, stated approval process, and supplemental standards, unless stated otherwise herein.

c. Accessory Residential Use

A Type IV Kennel may be operated in conjunction with a single-family dwelling unit on properties having underlying residential FLU designations.

d. PIPD

A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b.

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Notes:

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EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS
(Updated 03/26/08)

Part 1. ULDC, Art. 1.I.2.A, Definitions, (page 29 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced Article shall have the following meanings:

....
24. Adverse effect – for the purpose of Article 9, any action which will significantly alter or
destroy a historic resource.
[Renumber accordingly]
....

Part 2. ULDC, Art. 1.I.2.A, Definitions, (page 33 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced Article shall have the following meanings:

....
76. Archaeologist, Qualified - a member of, or is qualified for membership in the Florida
Archaeological Council (FAC), Society of Professional Archaeologists (SOPA), the Registry
of Professional Archaeologists (RPA) or a person who meets the minimum professional
requirements for an archaeologist as set by the United States Secretary of Interior.
Renumber accordingly
....

Part 3. ULDC, Art. 1.I.2.A, Definitions, (page 33 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced Article shall have the following meanings:

....
81. Area of Potential Effect (APE) -- for the purposes of Art. 9, is the geographic area or areas
within which a project's undertaking may directly or indirectly cause changes in the character
or use of historic properties, if such properties exist. The area of potential effects is
influenced by the scale and nature of the undertaking and may be different for different kinds
of effects caused by the undertaking.
[Renumber Accordingly]
....

Part 4. ULDC, Art. 1.I.2.C, Definitions, (page 44 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

C. Terms defined herein or referenced Article shall have the following meanings:

....
116. Cultural Resources – for the purposes of Art. 9, ~~districts, sites, structures, and objects and~~
~~evidence of some importance to a culture, a subculture, or a community for scientific,~~
~~traditional, religious, and any other reasons. Those resources and relevant environmental~~
~~data are important for describing and reconstructing past life ways, for interpreting human~~
~~behavior, and for predicting future courses of cultural development. are material culture~~
~~remains including artifacts, pits, trash dumps, middens, architectural features, standing~~
~~structures, remains of structures, and the physical alteration of the natural landscape such as~~
~~ponds, roads landscaping, canals and fences.~~

Notes:

Underlined language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/26/08)

Part 5. ULDC, Art. 1.I.2.G, Definitions, (page 53 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

G. Terms defined herein or referenced Article shall have the following meanings:

....
14. Grave Good/ Funerary Object- for the purposes of Art. 9, any material culture object that is associated with a human burial.
[Renumber accordingly]

Part 6. ULDC, Art. 1.I.2.H, Definitions, (page 55 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

H. Terms defined herein or referenced Article shall have the following meanings:

....
13. High Probability Area/Zone/Section/Portion/Tract- for the purposes of Art. 9, terms used to describe a geographical area in real space that has an increased potential of containing previously undocumented archaeological or historic resources. These areas have dissimilar landforms compared to the surrounding landscape (an example would be an increase in elevation), have or had diverse ecological environments (examples include tree islands, low hammocks, coastal hammocks, costal dunes and strands) all are located within a reasonable proximity to a freshwater source, and a close proximity to any known archaeological sites.
[Renumber accordingly]

Part 7. ULDC, Art. 1.I.2.M, Definitions, (page 64 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

M. Terms defined herein or referenced Article shall have the following meanings:

....
23. Material Culture for the purposes of Article 9 is any object that has been modified by a human being.
[Renumber accordingly]

....
32. Midden – is a deposit of material culture refuse. Midden soils contain a high abundance of cultural resources and occasionally human remains. Midden soils tend to differ in color and composition from the surrounding soil matrix.
[Renumber accordingly]

Part 8. ULDC, Art. 1.I.2.S, Definitions, (page 85 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

S. Terms defined herein or referenced Article shall have the following meanings:

....
45. Significances Determination –for the purposes of Art. 9, is a judgment made by local, State or Federal official(s) tasked with enforcing historic preservation regulations that deem an area, site, and structure important to the understanding or to the potential understanding of the history of Palm Beach County, the State of Florida and the nation. An area, site, and structure will be deemed to be significant if it is associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological and

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EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION
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architectural history that have contributed to the pattern of history in the community of the South Florida region, the State or the nation; or it is associated with the lives of persons significant in our past, or embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value, or that represent a distinguishable entity whose components may lack individual distinction, or have yielded or are likely to yield information in history or prehistory; or is listed on the National Register of Historic Places (NRHP).

[Renumber accordingly]

Part 9. ULDC, Art. 1.1.3, Abbreviations and Acronyms, (page 103 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

- APE Area of Potential Effect
- COA Certificate of Appropriateness
- CTD Certificate to Dig
- FAC Florida Archaeological Council
- NRHP National Register of Historic Places
- RPA Registry of Professional Archaeologists
- SFHCTD Single-family Home Owner Certificate to Dig
- SHPO State Historic Preservation Officer
- SOPA Society of Professional Archaeologists
- THPO Tribal Historic Preservation Officer

Part 10. ULDC, Art. 9.A.1.B, Applicability, (page 3 of 15), is hereby amended as follows:

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 1 Applicability

B. Applicability

- 4. All parcels of land within Palm Beach County that are identified as a known resource in the records of the Florida Master Site File or from documentation from the State Historic Preservation Officer or State Archaeologist.
- 5. All parcels of land which are not identified on the "Map of Known Archaeological Sites and Archaeological Conservation Areas" but other resources, documents, conditions and reasonable accounts indicate there is an increased probability that they contain previously undocumented historic resources.
- 6. All parcels of land that are within 300 feet of a parcel depicted on the "Map of Known Archaeological Sites and Archaeological Conservation Areas" shall be considered to have a high probability of containing previously undocumented historic resources.
- 7. The Planning, Zoning & Building departments may require a CTD/COA for any property that has a high probability of containing previously undocumented historic resources.

Part 11. ULDC, Art. 9.A.3.A, Procedures, (page 4 of 15), is hereby amended as follows:

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EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS

(Updated 03/26/08)

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 3 Procedures

A. Historic Designation Procedures

1. Nomination and Designation Procedure

The Historic Resource Review Board (HRRB) and County Archaeologist will have the authority to nominate areas, places, buildings, structures, landscape features, archaeological and paleontological sites as being significant to Palm Beach County's history. All nominations will be sent to the BCC for final approval, official designation and listing on Palm Beach County's Register of Historic Places.

2. Criteria for Evaluating Significances of Historic Resources

Historic resource significances will be determined by meeting one or more of the following criteria/conditions:

- a. are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological and architectural history that have contributed to the pattern of history in Palm Beach County, the State of Florida, the nation, or
- b. are associated with the lives of persons significant in our past; or
- c. embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or
- d. have yielded or are likely to yield information in history or prehistory;
- e. is listed on the National Register of Historic Places (NRHP).

Part 12. ULDC, Art. 9.A.3.A.4, Map of Known Archaeological Sites, (page 5 of 15), is hereby amended as follows:

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 3 Procedures

4.B. Map of Known Archaeological Sites

A Map of Known Archaeological Sites and Archaeological Conservation Areas shall be adopted by the BCC. The above referenced map may be amended by resolution or ordinance adopted by the BCC pursuant to F.S. § 125.66. The map shall be amended upon determination by PBC that additional sites of significant archaeological value have been discovered or in some instances, destroyed. At a minimum, the map and the Florida Master Site File (FMSF), shall be reviewed annually by department staff and the County Archaeologist for possible map amendment. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.4]

A.C. Certificate to Dig

1. Application

Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and proposals for Type III Excavation, and Previously Unknown Archaeological Sites discovered during development, to make application for a Certificate to Dig to the PZB for review shall make such application prior to the issuance of a development order. The application for the Certificate to Dig shall be made on a form available from the PZB. Only one Certificate to Dig shall be required to develop a site unless additional resources not addressed in the initial Certificate to Dig are found during site development. The department shall determine whether the application is a standard or special Certificate to Dig. A special Certificate to Dig will be required for any application that will potentially alter or destroy more than ten percent of any known or previously recorded archeological site. All special Certificates to Dig will be forwarded by the department to the Palm Beach County Historic Resources Review Board (HRRB) for review. All standard Certificates to Dig will be reviewed by the department staff and the County Archaeologist. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A]

D. Certificate to Dig Procedures

1. Preliminary Testing Consultation Meeting:

The cultural resource management firm or archaeologist contracted to assess the presence of historic resources and develop mitigation plans to address adverse effects to a historic resource is required to meet with the County Archaeologist to discuss testing strategies prior to the start of the project.

2. Joint in Field Consultation:

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ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/26/08)

The County Archaeologist will be available for field consultations should the need arise during the testing phase of the project. If previous testing strategies prove to be ineffective all parties can request that the testing strategy be modified.

2.3. Certificate to Dig Report Requirements

A report prepared by a qualified archaeologist shall be prepared with the application of a certificate and as requirement of the Certificate to Dig. The report shall at minimum contain a documented search of the Florida Master Site File (FMSF), a brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.2]

3.4. Standards for Issuance of a Certificate to Dig

Within three working days of receiving an application, the Department shall make a determination of the completeness of the application and whether it shall be processed as a Special or Standard Certificate to Dig. A Special Certificate to Dig will be required if the application is for a previously recorded site where more than ten percent of the known or potential site surface or volume will be adversely affected by the proposed development or improvements. A Standard Certificate to Dig will be required if the application is for a previously recorded site where less than ten percent of the known or potential site surface or volume will be altered or destroyed by the proposed development. A Standard Certificate to Dig will be required for any application within an archaeological conservation area that is not the location of a previously recorded site. If the application is determined to be incomplete, the Department shall request additional information by certified mail. When the application is complete, if the Certificate to Dig is determined by the Department to be a Special Certificate to Dig the Department shall forward the application to the HRRB. The HRRB shall hold a public hearing within 30 days of the date of receipt of the application by the HRRB. The Department shall prepare its evaluation of the application and notify the applicant of its findings at least ten working days prior to the public hearing. Evaluation of the application by the Department and the HRRB shall be based upon guidelines in this Section, recommendations included in the archaeologist's report, and the recommendation of the County Archaeologist, if required. If the Department determines that the application is a Standard Certificate to Dig, then a Certificate to Dig will be issued to the applicant within 30 days of the date of receipt of the application by the Department. The HRRB's or Department's evaluation shall do one of the following: [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3]

- a. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archeologist determines the site contains artifacts or cultural remains of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the County Archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and the Department shall immediately lift the suspension order. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.a]
- b. If the property is determined to contain or potentially include a site of significant archaeological value, the HRRB or the Department shall issue a Certificate to Dig with conditions that are deemed necessary to protect or mitigate any part of the site determined to be of significance, including conditions regarding development design. In order to protect archaeological resources of significant value, the HRRB or the Department may require the applicant to do one or more of the following as part of receiving the Certificate to Dig: [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.b]
 - 1) preserve part or all of the archaeological site within open space of the development. [Relocated from Art. 9.A.3.A.3.b.1]
 - 2) re-design the development to accommodate preservation of all or a portion of the archaeological site; [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.b.2]
 - 3) the property owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by PBC. [Relocated from Art. 9.A.3.A.3.b.3]
- c. The Department shall charge a fee covering the direct and indirect costs associated with reviewing an Application for a Certificate to Dig, issuing the certificate and monitoring compliance with the certificate. Fees for the issuance of a Certificate to Dig shall be added to the Department Fee Schedule by resolution approved by the BCC. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.c]

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EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS

(Updated 03/26/08)

Part 13. ULDC, Art. 9.A.3.E, Single-Family Home Owner Certificate To Dig, (page 5 of 15), is hereby amended as follows:

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 3 Procedures

E. Single Family Homeowner Certificate to Dig

1. Application

A Single-Family Homeowner Certificate To Dig (SFHCTD) will be issued to individuals whose properties are located within an archaeological conservation zone as depicted in the Map of Known Archaeological Sites and Conservation Zones or when previously unknown archaeological or historic resources are encountered during construction or other means of exposure. There is no fee associated with this certificate and the County Archaeologist will perform the initial investigation at no charge upon receiving the permit for review. Single-family homeowners of parcels required by Art.9.B.1, General, or Art 9.B.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and Previously Unknown Archaeological Sites discovered during development shall apply for a SFHCTD to the PZB for review, and shall make such application prior to the issuance of a development order or building permit. The application for the SFHCTD shall be made on a form available from the PZB. Only one SFHCTD shall be required to develop a site unless additional resources not addressed in the initial Certificate are found during site development. All single-family homeowner certificates to dig will be reviewed by the Department staff and the County Archaeologist. The County Archaeologist will perform initial investigation upon receiving the permit for review at which time the proposed project will be classified as either ground disturbing or non-ground disturbing.

a. Ground Disturbing Activities

These include excavating soil for the placement of pilings, footers, telephone poles, fence posts, pools, septic tanks, in ground water features, extensive grading of virgin soil, drainage ditches and the placement of water/sewer lines.

b. Non-Ground Disturbing Activities

These include slab on grade construction techniques, driveway placement, shed installation, sprinkler irrigation systems, on grade patios, above ground pools, landscaping, placement of fill soil, placement of underground conduit two inches in diameter or less and building on an existing foundation.

If a permit including only non-ground disturbing activities is submitted, approval is immediate. If ground-disturbing activities are indicated, the County Archaeologist will review the proposed plan by comparing it to known archaeological site locations, previously tested properties, geological/ecological features and areas of significant soil disturbance. If conditions warrant a field investigation, the County Archaeologist or designee will begin the process within ten working days of original notice.

If a significant historic resource(s) as those defined by this Chapter is encountered during the field investigation, a suspension of work order will be issued for the area of impact. During this time one or more of the following may occur depending on the nature and size of the resource.

a. The homeowner will be responsible for securing and financing the services of a professional archaeologist or archaeological firm to mitigate the adverse impacts to the resource.

b. For simple non-midden resources less than 6 x 6 feet (2 x 2 meters) in size and less than two feet in depth the County Archaeologist or the offices designee will monitor/mitigate ongoing construction.

c. The homeowner, contractor(s), and appropriate county departments, will discuss, develop and implement methods to avoid adverse impact to the historic resource.

If the resource is determined not to be significant as defined by this Chapter, approval to proceed will be issued within three working days of the initial site visit.

If a significant historic resource as defined by this Chapter is discovered the location and nature of the resource will be listed with the county and state offices of historic preservation and possibly the National Register of Historic Places.

2. Single-Family Homeowner Certificate To Dig Report Requirements

A report shall only be required if significant historic resources as defined by this Chapter are recovered. The report shall at minimum contain a documented brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for

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EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/26/08)

monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State.

Regardless if significant historic resources are recovered or not the Map of Known Archaeological Resources will be modified to reflect the actual status of the property.

3. **Hearings of Findings**

Only CTD or SFHCTD that encountered significant historic resources as defined by this Article will be discussed with the Historic Resource Review Board (HRRB). These discussions shall take place within 45 days after completion of the application at which time the resident or developer will be allowed to comment on the findings of either the CTD or the SFHCTD.

6.4. **Appeals**

Within 30 days of a written decision by the HRRB regarding an application for a Certificate to Dig or Single-Family Homeowner Certificate to Dig, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of Planning, Zoning and Building, Department PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later, in time, the BCC shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the HRRB or PZB. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new materials or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify or overrule the decision of the HRRB or PZB ~~the Department~~. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. [Ord. 2005 – 002] [Relocated from 9.A.3.A.5]

6.5. **Procedure for Addressing Violations, Hearing and Penalties**

Upon detection by PBC that a property owner, agent of property owner, contractor or subcontractor has violated this Section, PBC shall notify the violator(s) and the property owner, if applicable, that a hearing has been set before the Code Enforcement Special Master. The notice, hearing and fines shall occur pursuant to Art. 10.B, Enforcement by Code Enforcement Special Masters. Further, if the Code Enforcement Board finds that a willful violation of this Article has occurred, PBC shall fine the violator a fine of up to \$500.00 per day or impose imprisonment in the PBC jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 125.69. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and permanent injunctions to enforce the provisions of this Section. It is the purpose of this Section to provide additional cumulative remedies. [Relocated from Art. 9.A.3.A.6]

Part 14. ULDC, Art. 9.B.2.B, Criteria for Designation of Historic Sites and Districts, (page 6 of 15), is hereby amended as follows:

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 2 Historic Sites, Structures and Districts

B. Criteria for Designation of Historic Site(s)/Structure(s) and District(s)

1. To qualify as a designated historic site(s)/structure(s) or historic district(s), individual properties, structures, sites or buildings, or groups of properties, structures, sites or buildings, the proposed site or district shall meet one or more of the following criteria:

Part 15. ULDC, Art. 9.B.3.B, Public Hearings Required for Historic Site or District Designation, (page 7 of 15), is hereby amended as follows:

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 3 Procedures

Notes:

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EXHIBIT M

ARCHAEOLOGICAL AND HISTORIC PRESERVATION
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B. Public Hearings Required for Historic Site or District Designation

3. After a public hearing, the HRRB shall vote on the designation within ~~30~~ 45 calendar days at a public meeting.

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BIO-FUELS
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Part 1. ULDC, Art. 1.I.2.B, Definitions (page 36, 51 and 52 of 107), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

B. Terms defined herein or referenced in this Article shall have the following meanings:

....
36. **Biomass** – For the purposes of Article 4, Plant material, vegetation or agricultural waste used as a fuel or energy source.

....
[Renumber accordingly]

C. Terms defined herein or referenced in this Article shall have the following meanings:

....
31. **Clean vegetative matter** – for the purposes of Art. 4.B, clean vegetative matter shall mean free of contamination with any excluded materials in feed stock.

32. **Clean wood** – for the purposes of Art. 4.B, clean wood shall mean untreated wood.

....
[Renumber accordingly]

E. Terms defined herein or referenced in this Article shall have the following meanings:

....
37. **Ethanol** – type of alcohol used as a biofuel alternative to gasoline, that is made from biomass.

....
[Renumber accordingly]

F. Terms defined herein or referenced in this Article shall have the following meanings:

....
10. **Feed Stock** – for the purposes of Art. 4, biomass consisting of: authorized wood material (clean wood recovered from construction and demolition wood debris, land clearing debris, and yard waste consisting of tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, and other clean vegetative matter); agricultural residue (waste resulting from the production of sugar, rice, vegetable crops or fruit). This definition specifically excludes hazardous substances and waste, biomedical waste, trash, garbage, sludge or special waste.

....
[Renumber accordingly]

Part 2. ULDC, Art. 4.A.3.A, Standard Use Matrix (page 15 of 155), is hereby amended as follows:

CHAPTER A USE CLASSIFICATION

Section 3 Use Matrix

A. Standard Use Matrix

Table 4.A.3.A-1, Use Matrix, applies as follows:

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EXHIBIT N

BIO-FUELS
SUMMARY OF AMENDMENTS
(Updated 05/28/08)

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District Overlay																			NOTE
	Agriculture/Conservation			Residential					Commercial					Industry/Public						
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I	I	P	I	
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P	
		R		S	S						O		O		E				F	
				A	A															
Agricultural Uses																				
Agriculture, Research/Development			D	D												P	P	P	B	3.1
Agriculture, Renewable Fuels Production				P																3.2
....																				
[Ord. 2006-036]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

Part 3. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (page 28 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

3.2 Agriculture, Renewable Fuels Production

Any facility using biomass as its principal source of feed stock for the production of renewable fuel or fuels and other related renewable products including but not limited to ethanol or fuel ethanol.

a. Setback from Residential

The facility shall be located a minimum of 750 feet away from parcels with a residential zoning or future land use designation that accommodate an existing residential structure.

b. Location

Facilities shall be located within two miles of an existing agricultural related use.

c. Review Procedures and Standards

- 1) The applicant shall submit a site plan, for informational purposes only, to the Zoning Division prior to Building Permit application. The site plan shall be consistent with the requirements indicated in the Technical Requirements Manual.
- 2) The owner or operator shall obtain the required approval and permits from all applicable federal, state, and local agencies prior to operating the facility.
- 3) The owner or operator shall perform a daily visual inspection of all wood material and similar vegetative matter to be used as feed stock.
- 4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Rule 62-730 FAC.

d. Prohibitions

- 1) The generation of toxic or hazardous waste effluent into the sanitary system shall be prohibited unless adequate pretreatment facilities have been constructed and are being utilized. The pretreatment facilities are subject to approval by DEP and the appropriate sewage works provider.
- 2) Feed stock observed to contain prohibited materials shall not be used.

Part 4. ULDC Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 9 of 37), is hereby amended as follows:

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EXHIBIT N

BIO-FUELS

SUMMARY OF AMENDMENTS

(Updated 05/28/08)

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Agriculture	Parking ¹	Loading ²
....		
Agriculture, renewable fuels production	1 space per 1,000 sq. ft.	B
....		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT O

PARKS & RECREATION
SUMMARY OF AMENDMENTS

(Updated 05/09/08)

Part 1. ULDC, Art. 5.D.2.G, County Park Landscape Standards (page 41 of 75), is hereby amended as follows:

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

G. County Park Landscape Standards

2. Perimeter Buffer Landscape Requirements

a. R-O-W Buffers

1. Applicability

R-O-W buffers pursuant to Art. 7, ~~widths shall be 25 feet for passive recreation uses and 50 feet for active recreation uses for public parks, open space, and golf courses.~~ Buffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3-1, Minimum Tier Requirements and Art. 7.F.2.B, Shrubs, ~~unless adjacent to parking lots and loading areas.~~ Required R-O-W buffer trees may be planted in a natural pattern within and adjacent to the designated landscape buffer. [Ord. 2006-004]

2. Required Plantings

Where parking lots, maintenance buildings and/or loading areas are located immediately adjacent to R-O-W buffers, the standards in Art. 5.D.2.G.2.a.1, shall not apply. Where shrub and hedge plantings are required the minimum number of layers of shrubs indicated in Table 7.C.3-1, Minimum Tier Requirements may be reduced to two in all Tiers.

b. Compatibility Buffer

Compatibility buffers shall be a minimum of ~~15~~five feet in width. Public park uses adjacent to other public park, open space and civic uses or pods shall be exempt from compatibility buffer requirements. Required compatibility ~~B~~uffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3-1, Minimum Tier Requirements and Art. 7.F.8, Compatibility Buffer. Required trees may be planted in a natural pattern within or adjacent to the designated landscape buffer. [Ord. 2006-004]

c. Incompatibility Buffer

Incompatibility buffers shall be a minimum of ~~25~~15 feet in width. The minimum number of layers of shrubs indicated in Table 7.C.3-1, Minimum Tier Requirements may be reduced to two in all Tiers. [Ord. 2006-004]

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EXHIBIT P

REZONING AND NONCONFORMING LOTS SUMMARY OF AMENDMENTS (Updated 05/08/2008)

Part 1. ULDC, Art. 1.F.4, Non-conforming Lot (pages 21 – 23 of 107), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 4 Nonconforming Lot

A. Applicability Development

~~A lot which does~~ This section shall only apply to non-conforming lots that do not meet the minimum dimensional criteria of this Code, ~~may be developed~~ if all of that meet the following conditions are met:

1. Legal Access Requirements

a. Development of a Single-family Dwelling Unit

The lot has legal access in accordance with Art. 1.H.1.2, Legal Access.

b. Development of Non-residential and Residential Other than SFD

The lot has frontage on, and legal access to, a public R-O-W, or any other street that meets the requirements of Table 11.E.2.A, Chart of Access Hierarchy.

2. Legal Lot of Record

The lot complies with one of the following:

a. Is depicted on either a plat of record, affidavit of exemption, or affidavit of waiver; or

b. Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title; or

c. Art. 1.H.1.B.1.b, Option 2 – Creation on or Subsequent to February 5, 1973 and before June 16, 1992.

3. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of Art. 3.C.1, Future Land Use Designation and Corresponding Districts.

4. Lot Recombination Requirements

Where applicable, the lot or lots have complied with ~~In an antiquated subdivision and not subject to the lot recombination requirements of Plan FLUE Policy 2.2.1-f, and Art. 11, Subdivision, Platting and Required Improvements, or the Plan.~~

1. ~~The proposed development was allowed as a permitted use at the time the lot was created.~~

2. ~~The lot was:~~

a. ~~Subdivided prior to February 20, 1992;~~

b. ~~Recorded with the Clerk of Circuit Court or was the subject of a recorded agreement for deed or other recorded instrument of conveyance prior to February 5, 1973 or shown on a recorded map, plat, drawing or survey prior to adoption of Ord. 92-20; or~~

c. ~~In an antiquated subdivision and not subject to the lot recombination requirements of Art. 11, Subdivision, Platting and Required Improvements, or the Plan.~~

B. Subdivision (Includes Lot Combinations)

Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth and size, if all of the following conditions are met:

1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity; and,

2. Can comply with the requirements of Art. 11, Subdivision, Platting and Required Improvements.

BC. Residential Development Regulations

A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.

1. Minimum Setback Requirements:

a. If the minimum depth dimension is nonconforming:

Front: 30 percent of lot depth.

Rear: 20 percent of lot depth.

b. If the minimum width dimension is nonconforming:

Side Interior: 15 percent of lot width.

Side Street: 20 percent of lot width.

c. Nonconforming lots that are 100 feet or less in width and 100 feet or less in depth may apply a 25-foot setback from the affected property line.

2. The maximum lot coverage is 40 percent of the total lot area or the maximum district coverage whichever is more restrictive.

3. Accessory structures shall comply with all applicable Code requirements.

Notes:

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**REZONING AND NONCONFORMING LOTS
SUMMARY OF AMENDMENTS**
(Updated 05/08/2008)

....

CD. Accessory Dwellings

Accessory dwellings on non-conforming lots with a RR FLU designation that are equal to or less than 1.5 acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit: **[Ord. 2006-004]**

1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence or wall, shall be installed and maintained along the property line adjacent to the length of the accessory dwelling. **[Ord. 2006-004]**
2. Ingress/egress to the accessory dwelling shall not be oriented towards the adjoining property. **[Ord. 2006-004]**

DE. Non-Residential Development & or Residential Development Other Than Single Family

Non-residential development and residential development other than single family may be developed, subject to the following:

- ~~1. Development standards in Art. 1.F.4.A. Development, are met or the proposed use obtains a variance pursuant to the requirements of Art. 2.B.3. Variances;~~
12. The proposed use is allowed by this Code; and
23. All other property development regulations, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3. Variances.

Part 2. ULDC, Art. 3.C.1, Future Land Use (FLU) Designation and Corresponding Districts (page 50 of 151), is hereby amended as follows:

CHAPTER C STANDARD DISTRICTS**Section 1 Future Land Use (FLU) Designation and Corresponding Districts****A. Purpose and Intent**

The purpose of this section is to ensure that all development (land uses) is consistent with the Future Land Use Atlas of the Plan. Standard, PDD and TDD zoning districts have been adopted to be in compliance with the Plan. Unless exempted otherwise, all new development or subdivision of property shall be in a zoning district corresponding to the FLU designations indicated in the following tables: **[Ord. 2008-003]**

1. Standard Districts: Table 3.C.1.A, Future Land Use Designations and Corresponding Standard Zoning Districts; or **[Ord. 2008-003]**
2. Planned Development Districts: Table 3.E.1.B, PDD Corresponding Land Use; or **[Ord. 2008-003]**
3. Traditional Development Districts: Table 3.F.1.E, TDD Corresponding Land Use. **[Ord. 2008-003]**

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EXHIBIT P

REZONING AND NONCONFORMING LOTS SUMMARY OF AMENDMENTS (Updated 05/08/2008)

Table 3.C.1.A Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts¹

FLU Designation		Zoning District ^{1,2}				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR	RE	RT	AP		
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
Commercial						
CL-O	CLO					
CL	CN	CC	CLO			
CH-O	CLO	CHO				
CH	CN	CC	CLO	CHO	CG	
CR	CRE					
Industrial						
IND	IL	IG	CRE			
EDC	IL	IG				
Institutional/Civic						
INST	IPF					
PARK	IPF	PO				
U/T	PO					
[Ord. 2006-004] [Ord. 2008-003]						
Notes:						
1	Unless exempted otherwise by Art. 3.C.1.B. Standard District Exceptions and Limitations, or where a parcel is rezoned to a PDD or TDD, all new development such as any Any application for a rezoning, conditional use and or subdivision of property shall require the subject site be rezoned to a <u>shaded</u> highly lighted district.					
2	<u>Typical Example of a "Shaded" district:</u>					
3	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with Art. 3.C.1.B.1.					

B. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

1. A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.C.1.A, Future Land Use Designation and Corresponding Standard Zoning Districts. [Ord. 2008-003]
2. The PO District is consistent with all FLU designations. [Ord. 2008-003]
3. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only. [Ord. 2008-003]
4. The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2008-003]
5. The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan. [Ord. 2008-003]
6. The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2008-003]
7. The RM District is consistent with the MR-5 designation only for those areas already zoned RM, prior to the Plan's August 31, 1989 adoption. [Ord. 2008-003]
8. Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards. [Ord. 2008-003]
9. Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority [Ord. 2008-003]
10. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district. [Ord. 2008-003]
11. The AR district may be considered consistent with all FLU designations in accordance with Art. 3.C.1.F.1.c.2), New Agricultural Uses.

C. Previous Zoning Districts

1. The following previously established zoning districts correspond to the current districts:

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REZONING AND NONCONFORMING LOTS
SUMMARY OF AMENDMENTS
(Updated 05/08/2008)

- a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
- b. Rural Services (RSER) District shall correspond to the AR District.
- c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
- d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
- e. Multifamily Residential High Density (RH) District shall correspond to the RM District.
- f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.

Part 3. ULDC, Art. 3.E.1.B, Future Land Uses and Density [Related to PDDs] (pages 68 and 69 of 151), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

B. Future Land Uses and Density

1. Future Land Use (FLU) Designation

The FLU designation which correspond to each PDD are indicated in Table 3.E.1.B-21, PDD Corresponding Land Use.

Table 3.E.1.B - PDD Corresponding Land Use ¹

	AGR ^{1,2}	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	x	x	x	x	x	x	x	x	x	x	
MHPD		x	x	x	x	x	x	x	x		
	AGR ¹	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			x	x	x	x	x	x	x	x	x
MXPD			x	x	x	x				x	x
PIPD							x			x	x
RVPO		x							x		

Notes:

¹ Check (x) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation.

² Pdds in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]

Part 4. ULDC, Art. 3.F.1.E, Residential Density and Plan Land Use Designations Density [Related to TDDs] (page 113 of 151), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 1 General Provisions for TDDs

E. Residential Density and Plan Land Use Designations and Density

The Plan land use designations which correspond to the various TDDs shall be determined by Table 3.F.1.E-44, TDD Corresponding Land Use. [Ord. 2005 – 002]

Table 3.F.1.E - TDD Corresponding Land Use

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
TND			√	√	√	√	√	√	√	√	√
TTD			√	√	√	√	√	√	√	√	
	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
TMD			√	√	√	√			√	√	√

Legend: Check (√) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation.

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EXHIBIT Q

TRANSFER OF DEVELOPMENT RIGHT (TDR) PROGRAM
SUMMARY OF AMENDMENTS

(Updated 05/29/08)

Part 1. ULDC, Art. 3.D.1.B.2, Infill Subdivisions (page 55 of 151), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 1 PDRs for Standard Zoning Districts

B. General Exceptions

2. Infill Subdivisions

Single-family dwelling units in projects in the RT Zoning district which meet the criteria in Policy 1.2.2.a of the Plan, or utilize the TDR Program may develop in accordance with Table 5.G.1.D.19, RT Deviations for WHP according to the Residential Single Family RS PDRs in the Code.

Part 2. ULDC, Art. 5.G.1.D.4.f, Option 1 – AR, RE and RT Districts (page 57 of 75), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

D. WHP Incentives

4. Density Bonus Development Options

f. Option 1 - AR, RE and RT Districts

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. This option is limited to residential projects using up to but not exceeding a 30 percent density bonus, in accordance with Table 5.G.1.B.17, Workforce Housing Program. [Ord. 2006-055]

Part 3. ULDC, Table 5.G.1.D, RT Deviations for WHP (page 57 of 75), is hereby amended as follows:

Table 5.G.1.D-19 - RT Deviations for WHP ⁽¹⁾

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR 3	9,000 sf	65'	40%	80'	1 st Floor 10'	1 st floor – 15'
[Ord. 2006-055]								
Notes:								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. [Ord. 2006-055]								

Part 4. ULDC, Art. 5.G.2.H.4, TDR Buffer (page 65 of 75), is hereby deleted as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

H. Receiving Areas

4. Applicability - TDR Increased Buffer and Setbacks for LR-1, LR-2 and LR-3 PDD

The perimeter buffer and building setbacks for a TDR receiving area in a PDD with a LR-1, LR-2 or LR-3 FLU designation shall be upgraded where ZLL, TH, MFD or SFD using RS PDRs are located within 125 feet of any SFD with a lot size of 14,000 feet or greater, or any vacant parcels with a LR-1, LR-2 or LR-3 FLU designation. ~~Notwithstanding the requirements of Art. 7, Landscaping, the perimeter buffer of a TDR receiving area that abuts existing residential uses, or properties with a residential FLU designation, shall be increased in accordance with Table 5.G.2.H.22, TDR Increased Buffer Widths. [Ord. 2005 – 002]~~

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TRANSFER OF DEVELOPMENT RIGHT (TDR) PROGRAM
SUMMARY OF AMENDMENTS
(Updated 05/29/08)

Table 5.G.2.H-22 – TDR Increased Buffer Widths

Range of Units Transferred to Receiving Area	Buffer Width
0 - 1 Units	10
0 - 2 Units	15
2-01 - 3 Units	20
3-01 - 4 Units	25
[Ord. 2005 – 002]	

- a. **Exception to TDR Buffer**
Increased buffer width shall not apply to a TDR receiving area that abuts residential uses with the same or more intense housing classification, as indicated in Table 5.G.2.H-23, Housing Classification. [Ord. 2005 – 002]
- a. **Increased Buffer Widths**
Where applicable, the perimeter buffer shall be increased by 15 feet for projects having ZLL or SFD units, and 20 feet for TH and MFD units.
- b. **Upgraded Landscaping**
Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. [Ord. 2005 – 002]
- c. **Increased Setbacks**
Where applicable, when a development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.2.H-23, Housing Classification. [Ord. 2005 – 002]

Table 5.G.2.H-23 – Housing Classification

Intensity by Group	Housing Type
1 - Low	Single-family residential [RT PDRs]; or Zero lot line homes.
2 - Medium	Single family residential [RS PDRs], Mobile homes; Townhouses; or Multi-family.
3 - High	Type II or III Congregate Living Facilities.
[Ord. 2005 – 002]	

- b. **Upgraded Landscaping**
Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. [Ord. 2005 – 002]
- c. **TDR Increased Setbacks**
When a TDR development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.2.H-23, Housing Classification. [Ord. 2005 – 002]
- d. **Location**
The required buffer shall be located along the perimeter of the receiving area or pod.
- e. **Exception**
A receiving area consisting of 12 acres or less shall not be subject to the TDR buffer requirements.
[Renumber Accordingly]

Part 5. ULDC, Art. 5.G.2.I, TDR Density Bonus Limitations, Transfer of Development Rights (TDR) – Special Density Bonus Programs (page 66 of 75), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

I. TDR Density Bonus Limitations

1. WHP 50 Percent Requirement

In accordance with FLUE Policy 2.6-a.5 of the Plan, 50 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.1.G, Affordability Requirements; and, Art. 5.G.1.C, Design Requirements. The project

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EXHIBIT Q

TRANSFER OF DEVELOPMENT RIGHT (TDR) PROGRAM SUMMARY OF AMENDMENTS

(Updated 05/29/08)

shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.D.2, TPS Mitigation; Art. 5.G.1.D.3, Expedited Review; and, Art. 5.G.1.D.4, Density Bonus Development Options.

3. Permitted Density Ranges

Notwithstanding the limitations above, the maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Article 5.G.2.H, Receiving Areas, Article 5.G.2.J, TDR: Receiving Area Procedure, and the following:

a. Standard Density Bonus

Approved receiving areas may receive a bonus density as follows:

- 1) Receiving areas in the U/S Tier west of Florida's Turnpike: up to two du/acre; or,
- 2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Countywide Community Revitalization Team (CCRT) revitalization and redevelopment area: up to three du/acre; or,
- 3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four du/acre.

b. Additional Density Bonus

Receiving areas meeting one or both of the following criteria shall be eligible for an additional one du/acre density bonus above the aforementioned density bonus ranges.

- 1) Receiving areas within ¼ mile radius of a public park, community commercial facility or mass transit facility within the U/S Tier; and
- 2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the U/S Tier.

In order to be eligible for the additional one du/acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area.

c. LR-1, 2 and 3 FLU Density Limitation

To mitigate any potential adverse impacts in low-density residential neighborhoods (as determined by residential FLU designation), the maximum TDR density bonus in the LR-1, LR-2 and LR-3 FLU designations shall not exceed 100 percent of the standard or maximum density, exclusive of any other density bonus allowed on the subject site. Exceptions shall be permitted for any project that is located in the URA or entirely surrounded by one or more of the following:

1. Parcels with an MR-5 or higher FLU designation, or
2. Parcels with a non-residential FLU designation or use; or
3. Open space 100 feet in width or greater; or
4. A major street.

U:\zoning\CODEREV\2008\BCC Hearings\2008-01 Round\Minutes\Exhibit Q - TDR.doc

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EXHIBIT R

WCRAO SUMMARY OF AMENDMENTS (5/19/08)

Part 1. ULDC, Art. 3.B.15.H.1.c, Affordability Standards [Related to WCRAO and Density Bonus Pool] (page 47 of 151), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

H. Density Bonus Programs

1. Density Bonus Pool

c. Affordability Standards

Where required by Table 3.B.15.H-13, Density Bonus Pool Approval, units required to be affordable shall comply with the following: [Ord. 2006-004] [Ord. 2007-013]

2) Sales and Rental Prices

Affordable units shall be offered for sale or rent to very-low and low thru middle income households. For the purposes of this section and in accordance with Plan TE Policy 1.2-r, very-low and low income shall be defined as less than or equal to 50 percent, and more than 50 percent but less than or equal to 80 percent County's Area Medium Income (AMI), respectively. The sale and rent prices may be updated annually by the County Administrator, or designee, based on the AMI, and household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD. [Ord. 2007-013]

3) Master Covenant

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided by the County, which identifies each required affordable unit. In the event the project is not subject to final DRO approval, the applicant must submit a recorded copy of the Covenant to the Building Division prior to issuance of the first building permit. The Covenant shall include but not be limited to restrictions requiring: that all identified affordable units shall be sold, resold, or rented only to very-low thru middle income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a minimum of ten years for units sold to eligible households, and a minimum of 20 years for rental units, from the date of each unit is first purchased or designated as a rental unit; and that in the event a unit is resold before the 10 or 20 year periods conclude, a new 10 or 20 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with Plan TE Policy 1.2-r. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant. [Ord. 2007-013]

6) Limitations on Restrictions

Shall be in accordance with the limitations and restriction requirements of Art. 5.G.1, Workforce Housing Program. [Ord. 2007-013]

7) Affordability Ranges

Required affordable WCRAO Density Bonus units shall be distributed in accordance with Table 3.B.15.H. WCRAO Affordability Ranges.

Table 3.B.15.H. – WCRAO Affordability Ranges

	Very-low Income	Low Income	Moderate Income	Middle Income	Maintenance of Affordability (Years)
New Bonus Density Pool Projects	40% ¹				10 (for sale) 20 (rental)
Re-development of Existing Affordable Housing Project	10% max. ²		30% min. ³		10 (for sale) 20 (rental)
Notes:					
<u>1</u>	Requirements are applicable to for sale and rental units.				
<u>2</u>	Percentage is a combination of very-low, low, moderate and middle income requirements. However, a single project shall be limited to a maximum of 40% low or 40% very-low income units.				
<u>3</u>	Percentage is a combination of very-low and low-income requirements.				
<u>4</u>	Percentage is a combination of moderate and middle-income requirements.				

Part 2. ULDC, Art. 5.G.1.E.1, Option 1 – Offsite Construction [Related to WHP Offsite Options] (page 58 of 75), is hereby amended as follows:

Notes:

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EXHIBIT R

WCRAO
SUMMARY OF AMENDMENTS
(5/19/08)

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

E. WHP Off-site Options

1. Option 1 – Off-site Construction

Building permits shall be issued for a minimum of 50-percent of the required WHP units to be constructed off-site prior to the issuance of the first CO in the subject development. All off-site WHP units must receive CO prior to issuance of more than 75 –percent of the CO's in the subject development.

a. WCRAO Limitation

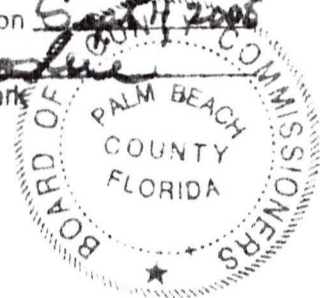
Off-site construction of the required WHP units within the low-income range shall be limited to ten percent.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on AUG 28 2008

dated at West Palm Beach, FL on Sept 11 2008

By: Judith Croshaw

Deputy Clerk



Notes:

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